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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Situation in Tibet

Note by the Secretary-General submitted pursuant to Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1991/10

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A. Background

1. At its forty-third session, the Sub-Commission on Prevention of Discrimination and Protection of Minorities adopted, on 23 August 1991, resolution 1991/10 entitled "Situation in Tibet", as follows:

> "The Sub-Commission on Prevention of Discrimination and Protection of Minorities,
>
> Guided by the principles of the Charter of the United Nations, the International Bill of Human Rights and other international instruments in the field of human rights,
>
> Concerned at the continuing reports of violations of fundamental human rights and freedoms which threaten the distinct cultural, religious and national identity of the Tibetan people,
>
> 1. Calls upon the Government of the People's Republic of China fully to respect the fundamental human rights and freedoms of the Tibetan people;
>
> 2. Requests the Secretary-General to transmit to the Commission on Human Rights information on the situation in Tibet provided by the Government of China and by other reliable sources."

2. In accordance with operative paragraph 2 of the above-mentioned resolution, the Secretary-General sent, on 16 December 1991, a note verbale to the Minister for Foreign Affairs of China in which he referred to Sub-Commission resolution 1991/10 of 23 August 1991 and requested the Government of China, should it wish to submit information pursuant to operative paragraph 2 of the resolution, to do so before 10 January 1992.

B. Reply of the Permanent Representative of China to the United Nations Office at Geneva

3. On 18 December 1992, the Permanent Representative of China to the United Nations Office at Geneva replied as follows:

> "I have the honour to refer to your letter G/SO 214 (74) addressed to the State Councillor and Minister of Foreign Affairs of China on 16 December 1991 concerning a resolution entitled 'Situation in Tibet' and reply as follows:
>
> "As you know, the Government of China has all along attached importance to and protected the full range of human rights and fundamental freedoms of the Chinese citizens, respected the purposes and principles of the Charter of the United Nations and actively performed all its international obligations. Regrettably, groundless accusation was made in a resolution of 'Situation in Tibet' adopted by the Sub-Commission on Prevention of Discrimination and Protection of Minorities subordinated to the United Nations Commission on Human Rights on 23 August 1991. The spokesman of the Ministry of Foreign Affairs expressed solemnly on 24 August the Chinese Government's position of

categorically rejecting that resolution. In order to further clarify the fact, expose the lies and protect the reputation of the United Nations, I hereby wish to reiterate the following viewpoints:

"1. In recent years, a handful of Tibetan separatists in exile and some anti-China forces in the world have repeatedly stated that Tibet used to be an 'independent State' in history and it lost its status of independence only after the 'armed invasion' and 'occupation' of Tibet carried out by China in the early 1950s in this century, thus 'violating' human rights in Tibet. All this is nothing but distorting history and altering facts. It is known to all that the Tibetan nationality is one of the 56 nationalities in China with long history. As early as in the thirteenth century, Tibet, as one of the main concentrated communities for Tibetans, had become an administrative region of China and inalienable part of the Chinese territory. Over the past 700 years or more, the successive central Governments of China exercised effective sovereign control over Tibet. Since the beginning of the contemporary history, though the imperialist and colonial forces adopted political and diplomatic measures or even launched armed invasions against Tibet, imposed pressures on the central Governments of China and drove wedges between local authorities in Tibet and the central Governments in an attempt to separate Tibet from China, they never succeeded in changing the fact that China possesses the complete sovereignty over Tibet. No country in the world has ever recognized the so-called 'independence in Tibet'. After the founding of new China in October 1949, it is the Chinese Government's responsibility as well as the shared demand of all the Chinese nationalities, including the Tibetans, to liberate its own territory Tibet, expel the imperialist forces, remove outside obstacles preventing the Tibetan people from enjoying rights of equality and freedom, and safeguard China's sovereignty and territorial integrity. Under such circumstances, through the concerted efforts of the Central People's Government and the Local Government of Tibet, the two sides sent delegations and conducted friendly negotiations. Agreement was reached on various matters related to the peaceful liberation of Tibet and the Agreement of the Central People's Government and the Local Government of Tibet on Measures for the Peaceful Liberation of Tibet was signed on 23 May 1951. This Agreement is an important and legally-binding document for the Government of new China to settle its domestic ethnic question. On 24 October of the same year, the Dalai Lama, as the highest leader of the local government of Tibet at the time, sent a telegram to Chairman Mao Zedong of the Central People's Government to express his complete approval of and support to this Agreement and his willingness to implement it. The local government of Tibet had also indicated on many occasions the same attitude. Facts have shown explicitly that the realization of the peaceful liberation of Tibet is a concrete demonstration of the Chinese Government's exercising of sovereignty over Tibet as well as an internal affair of China. To call this event, which falls, in essence, into the domain of domestic control of any country, 'invasion' and 'occupation' of Tibet by China and thus accusing the Chinese Government of violating norms of international law and human rights in Tibet is nothing but an act that runs counter to the basic principles of the Charter of the United Nations and wilfully interfering in the internal affairs of China.

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on Tibetan language was also established. In October 1988 the detailed rules on implementing these provisions were issued by the autonomous region's government.

(d) Major responsible posts at all levels of region's governmental and judicial departments are held by Tibetans. At present there are more than 37,000 Tibetan cadres in Tibet, taking up 66.6 per cent of the total number of cadres in the region. At the levels of autonomous region and of county, the percentage of Tibetan cadres is 72 per cent and 61.2 per cent respectively. Most posts at different levels of people's congresses, governments, courts and procurator's officers are also held by Tibetans.

(e) The right to manage and independently arrange local economic projects.

(f) The right to independently administer local education, culture, public health and develop local culture.

(g) The right to independently protect, exploit and use local natural resources according to the law.

(h) The autonomous right to carry out foreign economic relations and trade. Tibet has cooperated with a number of foreign countries and experts from international agencies in feasibility studies on how to exploit and use geothermal and hydraulic resources on Tibetan plateau and process livestock products. It has also accepted assistance from the United Nations World Food Programme for the exploitation of Lhasa River. At the same time, Zhangmu Port bordering Nepal has been opened to develop border trade. In order to promote Tibet's foreign economic relations and trade, the central government has adopted special policies, stipulating that the import and export tax for commodities in the Tibetan region is lower than the national tax rate and that all the foreign income is to be kept by Tibet.

B. Citizen's Political Rights

7. The detailed implementing rules for the election of deputes at various levels of people's congresses of the Tibetan Autonomous Region stipulate that all the citizens of China at and above the age of 18 and living in the autonomous region, in spite of nationality, race, sex, profession, family background, religious belief, educational level, amount of property and length of inhabitancy, are entitled to the right to elect and be elected; and that the right to elect and be elected are retained for the citizens of the autonomous region who are staying abroad, and they can participate in the election held at their birthplace or places they stayed before they left China.

8. At present, deputies of the people's congresses below the regional level are elected directly by electorate, and deputies who attend the session of the National People's Congress and at the city and regional level are elected by deputies from a lower level of people's congress. There are 445 deputies to the present people's congress of the region, including representatives of farmers, herdsmen, workers, intellectuals, patriotic personnel, religious leaders and compatriots coming home from abroad.

"2. The Chinese Government succeeded in abolishing the feudal system of serfdom and establishing a socialist democratic system, making a great historic contribution to ensuring for the Tibetan people human rights and fundamental freedoms. During several hundred years when Tibet was governed by the local government of Tibet led by successive Dalai Lama, a feudal system of serfdom which integrates religion with politics was practised there. This dark system is even more backward than the social system practised in Europe in the Middle Ages and the slave system practised in the United States before the war between the North and the South. Ruled by such a system, the serfs and slaves accounting for more that 95 per cent of the population had no political and social rights to speak of, and they were even deprived of their most basic personal freedoms and most fundamental right to subsistence. They possessed no means of production whatsoever, and they themselves and their descendants were part of the property of the slave owners. The slave owners could let their slaves and serfs live or die at will and could also sell, present as gifts and kill them. Many unbelievably cruel punishments such as cutting off ears or noses, gouging out eyes or amputating hands or feet were practised. In 1959, the democratic reform was successfully carried out in Tibet by the Government of China and the dark feudal system of serfdom abolished, and the Tibetan people thus completely freed themselves from their untold sufferings under the slave owners, attained for the first time their human rights and fundamental freedoms, and started to enjoy their citizen's and political rights guaranteed by the Constitution of China and all the economic, social and cultural rights. In face of all this, a small number of self-exiled Tibetan separatists and certain supporting foreign political forces have called the abolishment of the feudal system of serfdom in Tibet deprivation of the Tibetan people's basic human rights and freedoms. This is nothing but confusing the rights and wrongs.

"3. China is a unified multinational State. In addition to the Han Nationality which accounts for the overwhelming majority of the country's population, there are another 55 minority nationalities, including the Tibetans. In such a multinational State, the proper handling of the ethnic question and relationship is always a major issue concerning the country's stability and development. Therefore, ever since the founding of the People's Republic, the Government of new China has attached great importance to the ethnic question and work. In this connection, its basic lines and policies are designed to promote national equality and unity, practise regional autonomy in the areas of minority nationalities, conduct mutually beneficial cooperation and achieve common development and prosperity of all nationalities. There are explicit provisions in both China's Constitution and the Law on Regional National Autonomy stipulating that different nationalities enjoy completely equal rights in the political, economic, cultural and other fields. These provisions have been carried out fully in Tibet. Tibet is one of the autonomous regions of China and an administrative unit at the provincial level. The people's congress and government of the Tibet Autonomous Region not only have the same range of power as enjoyed by the local State organs in other provinces, but also enjoy many special rights for autonomous regions provided for in the Law on Regional National Autonomy. These special rights include establishing autonomous organizations, exercising regional national autonomy, using and developing the spoken and written Tibetan language, formulating regulations on the exercise of autonomy and separate regulations according to the political, economic and cultural features of Tibet, implementing State laws and policies in line with the local actual conditions, formulating and implementing special policies, managing and independently arranging projects of local economic development, independently managing educational, cultural, and public health undertakings, protecting and developing traditional culture, protecting local natural environment, and independently exploring and using local natural resources. The Tibetan people, like other nationalities in China, enjoy all the citizen's rights embodied in the Constitution and the State laws, such as freedom of religious belief, and also enjoy other special rights designed by autonomous organizations' rules and regulations to preserve the special interest of the minority nationalities. Over the past 40 years, achievements recognized by the whole world have been achieved in Tibet's economic and cultural development. The splendid traditional culture of Tibet has been inherited and developed with unprecedented progress in such fields as education, science, culture, public health as well as other social welfare undertakings for public benefit. The people's living standard has been raised remarkably and the religious belief of the Tibetan people is fully respected and protected. According to the statistics in 1990, the average life expectancy in Tibet was prolonged from 35 years in the early 1950s to 65 years, and the population increased from around 1 million to 2.19 millions among which 2.09 millions are Tibetans. In the Tibetan Autonomous Region, the number of Tibetan cadres reached 37,000 or more, accounting for 66.6 per cent of the number of cadres there. At the levels of autonomous region and county, the percentage of Tibetan cadres are 72 per cent and 61.2 per cent respectively. All the major responsible posts at various levels of the people's congress, government, court and procurator's office are held by Tibetans. All this has proved, beyond all dispute, that the accused efforts made by the Chinese Government to 'destroy' and 'threaten' the special cultural, religious and ethnic characters of the Tibetan people are nothing but fabrication with ulterior motives.

"4. 'To safeguard State unity and national unity' and 'to prohibit any act which undermines the unity of the nationalities or instigates national division' are basic principles of China's Constitution and basic obligations that should be performed by every Chinese citizen. However, since autumn in 1987, a handful of Tibetan separatists, supported by certain anti-China foreign forces, designed and instigated many rounds of riots in Lhasa, the capital of the Tibet Autonomous Region. Under the pretext of 'independence of Tibet', they engaged in attacking, smashing, looting and burning many government institutions, breaking into shops, setting fire to public facilities, damaging schools, and even opening fire on policemen and innocent citizens. Their acts seriously disrupted social order and harmed and threatened the life and property of the Lhasa people and their normal operation of work and living. It is obvious that such actions are not 'peaceful demonstrations' to achieve and safeguard human rights in Tibet, they are out and out violent and harmful actions, constituting a gross violation of China's Constitution and laws. Such incidents of violence which gravely endanger State unity and disrupt national unity and normal social order cannot be tolerated by the Government of any sovereign State in the world. It is entirely necessary and justified for the Chinese Government to adopt measures to resolutely suppress such riots. Such measures are not violations of human rights, on the contrary, they are just and indisputable actions indispensable for the maintenance of the legitimate rights of the large number of citizens.

"5. During the process of suppressing the riots, the public security and legal departments of the autonomous region, based on law, took away from the rioting places 1,025 people engaged in riots for interrogation, among which 807 were released after interrogation and education within the legal timeframe, 97 received disciplinary sanction and only 121 were sentenced according to the law. Nobody was executed. The judiciary departments of the autonomous region, strictly observing provisions of prohibiting maltreatment to prisoners, rendered humanitarian treatment to the criminals serving their sentences. It should be pointed out that in recent years, in order to deceive international opinions, the Tibetan separatists abroad have told, again and again, various fanatic and absurd lies, accusing the Chinese Government of conducting 'cruel punishment' and 'arbitrary execution' to prisoners. A small number of western media and NGOs, in disregard of the facts, irresponsibly collected such materials, gave enormous publicity to them and raised various accusations against China through the United Nations human rights agencies. However, it is proved, after earnest investigations by the Chinese departments concerned, that some of the accusations have distorted the facts and others are groundless. For instance, the Sub-Commission of Human Rights stated in one of the documents sent to us through the United Nations Centre for Human Rights on 22 June 1990 that Tseteb Norgye, a Tibetan arrested after participating in the riot in Lhasa, was beaten blind in prison. The fact is that he is enjoying good health with normal eyesight. At the forty-seventh session of the Commission of Human Rights, delegates from many countries saw the photo showing normal eyesight. Another example is the case, raised on many occasions by some NGOs such as Amnesty International, concerning Yulo Dawa Tsering saying that this person underwent cruel punishment in prison. Yet, in November 1991, diplomatic envoys of some Nordic States met him when they visited Lhasa Prison. They admitted after the meeting that the outside report on this case was 'not true'. Facts are facts, and false accusations based on distorted reports and lies cannot become truth and fact merely through repeated citing. In recent years, the Chinese Government, with the earnest and responsible attitude, has given timely, comprehensive and detailed replies and clarifications to different kinds of inquiries and accusations transferred to us through the United Nations Centre for Human Rights, Special Rapporteurs as well as the Working Group on Communications. The overwhelming majority of these replies are included in the relevant documents of the Commission on Human Rights. I am confident that a careful study of these documents will help people see the true nature of 'the human rights question in Tibet' and arrive at fair judgement and conclusion.

> "6. For many years, certain international forces have supported and connived at the activities carried out by a handful of separatists to separate Tibet from China. In order to find excuses for such activities, they have used 'the human rights question in Tibet' to wilfully attack and slander the Chinese Government. This is the background to why some members of the Sub-Commission plotted the adoption of the resolution of 'the situation in Tibet'. The adoption of this resolution is not only a gross violaton of China's sovereignty and territorial integrity, but also a grave infringement on the purposes and principles of the Charter of the United Nations. If such erroneous actions were tolerated, the reputation of the United Nations and its human rights agencies would be severely jeopardized."

4. At the request of the Permanent Representative of China to the United Nations, attachments 1, 2 and 3 of the Government's reply are reproduced in Annex I to the present note.

C. Other relevant information

5. In the report submitted by the Special Rapporteur on summary or arbitrary executions to the Commission at its forty-eighth session (E/CN.4/1992/30), paragraphs 91 to 98 contain relevant communications of the Special Rapporteur to the Government of China as well as the Government's reply thereto. The report of the Special Rapporteur on the question of torture (E/CN.4/1992/17) also reflects, in paragraphs 41 to 43, relevant appeals which the Special Rapporteur addressed to the Government of China as well as the Government's replies to his appeals. The Working Group on Enforced or Involuntary Disappearances also reports, in paragraphs 83 to 88 of document E/CN.4/1992/18, on communications transmitted to the Government of China as well as on the Government's replies thereto. Finally, the report of the Special Rapporteur on Religious Intolerance (E/CN.4/1992/52) also contains, in paragraphs 20 to 22, relevant communications transmitted to the Government of China as well as the Government's replies.

6. In accordance with operative paragraph 2 of Sub-Commission resolution 1991/10, the Secretary-General transmits, in Annex II to the present note, information which non-governmental organizations in consultative status with the Economic and Social Council have provided with reference to the above-mentioned resolution.

7. Two other organizations, Asia Watch and The Tibet Bureau also submitted information under Sub-Commission resolution 1991/10; their submissions are available for consultation with the secretariat.

Annex I

ATTACHMENTS TO THE REPLY OF THE PERMANENT REPRESENTATIVE OF CHINA TO THE UNITED NATIONS

Attachment No. 1
(see para. 4 of the note)

Press release dated 24 August 1991

Remarks by the Spokesman of the Chinese Foreign Ministry

1. On 23 August 1991, the Sub-Commission on Prevention of Discrimination and Protection of Minorities under the United Nations Commission on Human Rights adopted a resolution entitled "Situation in Tibet" at the instigation of some of its members. The spokesman of the Chinese Foreign Ministry is hereby authorized to make the following remarks.

2. Since the thirteenth century, Tibet has been an inalienable part of China's territory. This is a fact recognized by all countries in the world. The Chinese Government has always attached importance to and protected the legitimate rights and interests of all its nationalities, including those of the Tibetan people. Over the 40 years since the peaceful liberation of Tibet, the Tibetan people have enjoyed the civil rights and the right to self-government by national minorities provided for in the Constitution and laws of China.

3. For a long time, certain international forces have supported and connived with a small number of Tibetan separatists in their activities aimed at separating Tibet from China. They cook up rumours, invent stories and wantonly attack and vilify the Chinese Government. The resolution on so-called "Situation in Tibet" is part of their long planned conspiracy aimed at splitting China and constitutes an interference in China's internal affairs by using the human rights issue. The resolution goes against the principles of respecting State sovereignty and non-interference in the Charter of the United Nations and international law. Therefore it is entirely illegal and null and void, and absolutely unacceptable to the Chinese Government.

* * * *

Attachment No. 2
(see para. 4 of the note)

The social structure and social formation in Tibet before 1959

1. Before 1959 Tibet was a feudal serf society, bearing the characteristics of both the feudal serf system and a slave society, since Tibet was then in the early stages of a feudal society, with rent in the form of service occupying the dominant position and serf owners taking slaves as their property and raising family bond servants. This system was more cruel than the serf system prevailing in Europe in the Middle Ages.

I. Characteristics of the socioeconomic structure

2. The socioeconomic structure of feudal serfdom in Tibet was seriously lopsided. Serf owners, who made up only 5 per cent of the population, were in ownership, command and ruling positions, while serfs and slaves were cruelly oppressed, exploited and enslaved. Economically, usury, exorbitant taxes and levies, and corvee labour were like three knives inserted into the slaves and serfs, who made up 95 per cent of the population.

Three feudal lords

3. The serf owners in Tibet consisted of three feudal lords: government officials, aristocrats and upper-class lamas. Combined, they made up only 5 per cent of the total population of Tibet, but possessed all the land, grassland and most animals, Government officials, or the local government of Tibet, directly owned and managed part of the land; aristocrats had hereditary land, and monasteries owned fief and gift land. According to statistics taken in June 1959, Tibet had 3.3 million ke (15 ke equals one hectare) of cultivated land before the Democratic Reform. The local government had 1.2837 million ke, accounting for 38.9 per cent; aristocrats, 790,000 ke, making up 24 per cent; monasteries and upper-class lamas, 1.2144 million ke, or 36.8 per cent; and owner peasants, only 9,900 ke or 0.3 per cent.

Serfs and slaves

4. Serfs and slaves, constituting 95 per cent of the population in Tibet, had neither land nor personal freedom. They were owned by the three feudal lords generation after generation and attached to the land belonging to the feudal lords. Serfs and slaves fell into three strata - chapa, tuichiung and langsheng, the first two being serfs and the last, slaves.

5. Chapa serfs were given a piece of land to till by the feudal lords, but performed compulsory labour for the landowner. Attached to the granted land, they were the property of the serf owners. The difference between serfs and peasants was: serfs did not have personal freedom and were not allowed to leave their lords at will; serfs were at their owner's disposal, i.e. to do various compulsory labour, to till the land for their owners without compensation, and to pay various rents and taxes (in kind or currency); and serfs had only the right to use the land given to them; they did not own it. Thus they could not sell the land. Chapa made up 60 to 70 per cent of all serfs.

6. Tuichiung, meaning "low-caste serfs", were poorer than the chapa and their social position was much lower too. Some Tuichiung rented a small amount of land from the feudal lords under condition that they provide free labour to till the lords' land. Crops gathered from the rented land could maintain only the barest life. Some tuichiung were handicraftsmen; others lived by selling their labour. Every year they paid corvee tax to their lords. Tuichiung generally accounted for 30 to 40 per cent of all serfs.

7. Langsheng, referring to serfs raised at home, were actually slaves. Without any means of livelihood, they did not enjoy any personal rights either. They worked for the serf owners all their life for nothing, with only

enough remuneration to support themselves. They were under the strict control of the serf owners, who had the right to give them away as gifts and to transfer, mortgage or sell them. Most langsheng did odd jobs or other assigned work in the homes of the feudal lords. Their children did not belong to them; when they grew up, they became langsheng, slaves forever. An investigation during the Democratic Reform showed that langsheng were handed down from generation to generation. It is believed that langsheng were survivors of the slave system in Tibetan history.

Manors and tribes

8. Feudal manors that owned and managed the land were a basic characteristic of the feudal serfdom of Tibet. The manors generally fell into three categories: government manors, (called xungxi in the Tibetan language), directly owned by the local government, manors belonging to aristocrats (gexi in Tibetan), and monastery-owned manors (called quxi).

9. The feudal lords usually divided their land into land managed directly by themselves and cha land, allotted to chapa. All work on land managed by the feudal lords was undertaken by serfs without compensation and all crops harvested belonged to the landowners. Thus the more land managed directly by the landowners, the more exploitation of the serfs. Since chapa tilled land allotted to them by the feudal lords, they did compulsory labour for the landowners and also for the local government.

10. The feudal lords had jurisdiction over grazing areas, where the tribe was the grassroots unit. Totally different from tribes of primitive society, the Tibetan tribes were the administrative regions divided among the three types of feudal lords as well as the administrative institutions that exploited the serfs attached to the grazing areas.

11. Each lord had his own grasslands and owned the tribal serfs attached to the grazing areas. The difference between pastoral and farming areas was that, thanks to the speciality of animal husbandry, grassland serfs living on the land owned by one specific lord could also tend animals on grasslands owned by other lords. Therefore pastoral serfs had both direct and indirect lords. As the property of their direct lords, they had to do various types of unpaid work for them, and though they were not owned by their indirect lords, they had to pay grass rent to them.

"Cha paid by walking" and "Cha paid with hands"

12. Cha in Tibet was a general term with extensive meanings, including corvee, taxes and land rent. Cha could be divided into two major parts: cha paid by walking (gangzu in Tibetan), or labour services offered by serfs, yak, horses or donkeys, and cha paid with hands (natoin in Tibetan), including cha in kind and currency. According to the survey made during the Democratic Reform of Tibet, cha paid through corvee labour made up about 60 per cent and cha paid in kind and currency, 40 per cent. Corvee labour constitute over 65 per cent of the serfs' total labour time and more than 65 per cent of cha in kind was exploitative. In addition, the serfs had to pay various exorbitant taxes and levies, ranging from several dozen to a hundred.

Inside cha, outside cha and corvee labour

13. Inside cha included payment in kind and corvee labour undertaken by serfs for the monasteries and aristocrats manors. Various kinds of labour services assigned by the central and local governments were considered outside cha, known as wula, or corvee labour. Wula was originally Tujue language, referring to corvee labourers who provided horses, delivered letters and documents and undertook transportation for officials of the Yuan Dynasty (1271-1368), who travelled between Tibet and Xining. The Ming (1368-1644) and Qing (1644-1911) dynasties also had corvee labourers, providing compulsory labour services for the central officials on business trips within Tibet and transported various materials for the Tibetan Government. These were compulsory labour services assigned by the local government to the serfs. All such corvee labour services belonged to outside cha.

Livestock rent, fixed and flexible

14. Two kinds of livestock rent were practiced in Tibetan grazing areas: fixed and flexible. The former meant that the herders were forced to tend a certain number of livestock for the livestock owners and had to pay a fixed rent to them every year, no matter how many animals were born or died. The feudal lords made the herders graze animals for them and the herders could neither disobey their orders nor cancel the rent. Even if all the animals a herder tended died, his children and grandchildren must pay the originally-fixed amount of rent, and if a herder's family members all died, his relatives or neighbours had to pay the livestock rent for him.

15. Flexible rent occurred when a herder took care of a number of livestock for an owner, then reported to the owner how many animals had been born and how many died during the year. The number of dead livestock had to be proven by their skins. When a herder handed in the skin of a dead animal, he would be exempt from paying the rent on the animal. The income from flexible livestock rent accounted for 50 to 60 per cent of the annual output of animal products, sometimes even reaching 70 per cent.

Usury

16. Usury was an important means adopted by the feudal lords in Tibet to exploit the serfs. All the lords were usurers. Dalai Lamas of all periods set up institutions in charge of lending money to people. According to unofficial figures recorded in a 1950 account book, 3,038,581 taels of Tibetan silver were lent at usurious rates of interest and 303,855 taels of Tibetan silver were collected from interest.

17. All departments at all levels of the local government and officials practiced usury, as the Government regarded the practice of lending money and collecting interest as its administrative duty. The interest charged by the Government was 10 per cent.

18. Without exception, all monasteries in Tibet practised usury. According to an investigation during the Democratic Reform, grain loans by the three major monasteries in Lhasa totalled 1,623,273 ke (one ke equals 14 kilograms), with the annual income from the interest reaching 285,692 ke The interest on

usurious loans accounted for 25 to 30 per cent of the total income of the three major monasteries. Usually, the interest charged by the monasteries on currency loans was 30 per cent; as for grain loans, if one borrowed four ke of grain, one should return five ke.

19. Most aristocrats in Tibet also lent money at usurious rates of interest, the interest making up 15 to 20 per cent of their income. The interest on currency loans charged by aristocrats was 20 per cent; as for grain loans, if one borrowed four ke, one should return five ke; if five ke, six.

20. Investigations made in Dengqen, Gyangze and Bainang counties revealed that the monasteries accounted for the greatest amount of usury, 40 to 50 per cent; the Government, 20 to 25 per cent; the aristocrats, 15 to 20 per cent, and other people, 5 to 10 per cent.

Children-and-grandchildren debt

21. The serfs could incur two kinds of debts: children-and-grandchildren debt and jointly guaranteed debt. Children-and-grandchildren debt is also known as hereditary debt. Some debts remained unpaid for generations. The serfs themselves did not always know which generation had incurred the debt, how much had been borrowed at the beginning, and how much of the debt had been repaid. The creditor would only flaunt the loan receipt and ask the indebted serf to pay. Some debts remained unsettled for generations. If the serfs were not able to pay their debts, the lord recovered the cha land (the land given by the lords to the serfs for them to till, for which the serfs must provide corvee labour) to raise a mortgage on the land. In order to continue to live on the land, the serfs would have to re-rent the land taken away as the payment of debt by the lord. Thus, the serfs who tilled cha land had to labour for the lords and pay land rent in kind for the interest on debts. According to surveys, 80 to 90 per cent of the serfs in Tibet were in debt, 30 to 40 per cent involved with hereditary debt. Interest on hereditary debt was even higher. When a serf broke up his family and the family members lived apart, they divided their debts. Each part would sign a contract with the creditor and pay debts according to the contract.

Jointly guaranteed debt

22. When a household took out a loan, one or more households would be its guarantors; when a few households in a village guaranteed each other; if all the households in a village took out loans, the households all guaranteed each other. If one household dodged its debt, its guarantors would pay; if one household could not pay its debt, its guarantors would clear it; if a serf died childless, many other households would pay his debt. In addition, if all the members of an indebted chapa family died or ran away, the chapa serf who came to till the land left by the former chapa was responsible for paying the former's debt.

II. Characteristics of the sociopolitical system

23. The economic interests of the serf owners were protected and maintained by the sociopolitical system, with its merging of religious and secular rule, rigid hierarchy and severe criminal laws. The serfs and slaves, exploited

economically, had neither personal freedom nor democratic rights. These were enveloped in the sacred colours of religious privileges. The serfs and slaves endured suffering in this life in the hope of a better afterlife.

Local political power through merging religious and secular rule

24. The nature of the politico-religious system was a combination of religious and political power. The local government of Tibet was called Kashag by the Tibetan people, meaning the "institution that issues orders". The local government consisted of celebrated lamas and aristocrats, who represented the interests of the serf owners. The status of religious officials was higher than that of conventional officials. In accordance with the system of the Qing Government, the Kashag, which was under the direct leadership of the Dalai Lama and the Qing official stationed in Tibet, consisted of four Kablons. The thirteenth Dalai Lama stipulated that the Chief Kablon must be a religious official. Under the Kashag, the supreme administrative organ, was a secretariat with four religious officials and review department with four conventional officials. Though the secretariat was attached to the Kashag, it was acutally under the direct command of the Dalai Lama. If the Kashag needed to report some important events to the Dalai Lama, it had to go through the secretariat. In general, lower-level administration (equivalent to a prefecture or county) under the local government of Tibet was the responsibility of a lama and a conventional official, with the former superior. Some large monasteries enjoyed special political privileges. They had the right to appoint officials and set up courts and prisons and exercised judicial authority.

Serfs, the property of the serf owners

25. As the feudal lords owned the land and other means of production, they could deprive the serfs of basic materials to live on, exploit them and consider them property. The land was like a chain binding the serfs. Like other means of production the serfs were owned by the lords. The more serfs a lord had, the wealthier he was. The serf owners could rent and transfer serfs, gamble on and mortgage them, give them as gifts or sell them. Some serfs had been transferred or sold time and time again. As soon as a child was born to a serf, he or she became the property of the serf's owner. When a serf died, his or her owner simply crossed out his or her name. If serfs wanted to marry, they had first to present gifts to the lord. If the serfs belonged to different lords, their marriage had to be approved by both lords. Sometimes a serf had to buy his or her freedom back before he or she could be transferred to the spouse's lord. Sometimes a third serf would have to take one of the serfs' place before the marriage. Even after the two serfs got married, they might still belong to their own lords, and male offspring would belong to the father's lord and female offspring to the mother's.

Corvee tax

26. Serfs who did not directly do unpaid labour for their lords and those who made a living away from home had to pay a corvee tax to their lords longed to their lords. No matter how far away they were from home, they were tied by their "shackles" and could not be free men.

"Three grades and nine classes"

27. According to the code of the Tibetan local government, the people in Tibet were divided into three grades and nine classes: upper, middle and lower grades, with each grade having upper, middle and lower classes. All living Buddhas and aristocrats were upper-grade people; merchants, functionaries and herd owners and greater chapa in the rural areas were middle-grade people; lower-level labouring people and serfs and slaves were lower-grade people. Blacksmiths, butchers and corpse carriers were the lowest of the lower grade, their status lower than that of ordinary citizens. They could not sit as equals at the same table with common folks and could not drink tea or wine from the same bowl with them either. If a lower-grade person offended an upper-grade one, he would be subject to various punishments. The code also stipulated: "As the people are divided into different grades and classes, the price of their life is different too". The corpse of a high-grade person was worth its weight in gold, whereas that of a lower-class member of the lower grade was equal to a straw rope.

Judicature and penalty

28. Relying on the violence of the feudal serf system, the serf owners exploited and oppressed the serfs and took them as their own property. To reinforce the politico-religious system a series of laws regarding the merging of religious and secular rule were formulated. According to the code, the rule of the three types of lords over the serfs was the will of God; the serfs were destined to suffer and should not fight fate. The local government, the organs equivalent to prefectures or counties, lords and serf owners could handle law suits. Each large monastery had judges to try cases. If a monk committed a legal offence he should first be judged by the monastery and no government at any level was allowed to interfere. A judgement by a monastery had the same legality as one by the government. Governments at all levels took the basements of houses as prisons, lords could set up prisons inside their manors and large monasteries had places for locking up serfs. In Lhasa some criminals, handcuffed and shackled, begged for food on the streets; some were sent to remote areas to be life serfs. If anyone violated the code, courts and prisons in Tibet would punish him in dozens of cruel ways, such as gouging out his eyes, cutting off his nose and ears, chopping off his hands, severing his feet, forcing him to wear a stone bat or stand in a stone cage or locking him up in a dungeon. In such a society, there was no democracy, freedom or human rights to speak of.

III. Social stagnation and decline

29. Under the long rule of feudal serfdom Tibetan society had been reduced to a state of stagnation and decline, severely impeding social progress and the development of productivity. Social contradictions were becoming sharper day by day.

Economic decline

30. With simple means of production, some Tibetan people, lacking iron tools, had to use wooden ploughs and hoes, and some still depended on slash-and-burn cultivation. As a result productivity in Tibet was very low and the grain

output stagnated for one or two hundred years; sometimes it even decreased. Under primitive grazing methods grassland and livestock deteriorated and livestock diseases and pests were rampant; the survival rate of livestock was quite low. In addition, methods to process livestock products were primitive.

Cultural stagnation

31. As a result of the merging of religious and secular rule, religion became the dominant social ideology. In order to sanctify their feudal privileges the feudal lords enslaved the people spiritually using religion as a way to get people to endure, make concessions and submit to oppression. Any new ideology, culture, science or technology that ran against the will of the ruling class was regarded as heterodoxy. Thus the people were imprisoned ideologically and the popularization of education and the development of science and culture were impeded. Ninety per cent of the nationality that had created such a splendid ancient culture were illiterate.

The poverty of the people

32. The serfs and slaves were forced to do heavy work for the serf owners, undertake severe corvee labour, and pay various rents and taxes suffering from excessive compulsory economic exploitation. They struggled for existence on the edge of poverty, hunger and death. Before the Democratic Reform, of the total population of 37,000 in Lhasa, 4,000 to 5,000 were beggars and of the population of less than 10,000 in Xigaze, 2,000 to 3,000 lived by begging. Plagues were rampant in Tibet and nothing was done to control them. The average life-span was about 35.5 years and the population in Tibet reduced from several million to less than a million. The serfs and slaves resisted the exploitation and oppression by working slowly, refusing to pay taxes and corvee, running away or rising in revolt.

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Attachment No. 3
(see para. 4 of the note)

Human Rights Protection in Tibet

1. What is the human rights situation really like in Tibet? This document is going to supply some basic facts and we hope that they will help people attain a comprehensive understanding of the situation of human rights protection in Tibet.

A. Regional National Autonomy

2. China is a united multinational country. Tibet is one of the autonomous regions in China. Regional national autonomy is a policy adopted in areas where minority people live in compact communities. It allows people there to practice regional national autonomy, set up organs of self-government and exercise autonomous rights. Regional national autonomy shows the spirit of the State to fully respect and guarantee the rights of the minority nationalities to manage their own local affairs. It also reflects the principle of national equality, unity and common prosperity.

3. Point 3 in the Agreement of the Central People's Government and the Local Government of Tibet on Measures for the Peaceful Liberation of Tibet concluded on 23 May 1951 stipulated that "In accordance with the policy towards nationalities laid down in the Common Programme of the Chinese People's Political Consultative Conference", the Tibetan people have the right to exercise national regional autonomy under the unified leadership of the Central People's Government.

4. In April 1956, upon the approval of the State Council, the Preparation Committee of the Tibet Autonomous Region was established with the Dalai Lama as the Chairman and Bainqen Erdini as the first Vice-Chairman.

5. In March 1959, the reactionary clique of the upper Tibetan strata launched an armed rebellion aimed at separating Tibet from China and the Dalai Lama went abroad in exile. Consequently, the State Council issued an order of 28 March 1959 to dismantle the local Tibetan government and empower the Preparatory Committee of the Tibet Autonomous Region to exercise the functions as the local Tibetan government. At the same time, Bainqen Erdini was appointed Acting Chairman.

6. In September 1965, the Tibet Autonomous Region was established. The Tibet Autonomous Region enjoys various autonomous rights involving politics, economy, culture and all other aspects of social development. These rights include the following main contents:

(a) The right entrusted by the State to formulate local regulations. The autonomous region has issued 60 separate regulations, local provisions, legal instruments and decisions concerning political structure, social and economic development, judicature, natural resources, environmental protection, etc.

(b) The right to enforce State laws and policies, and formulate and implement special policies and measures in accordance with the actual situation in the locality. The major special policies in Tibet are as follows: The policy of "land being used by households for independent management" is introduced to the agricultural areas and is pledged to "remain unchanged for a long time to come". For pastoral areas the policy of "livestock being tended by households independently for private use" is carried out and equally "will remain unchanged for a long time to come". No agricultural and animal husbandry tax is to be levied, and all purchases by the State are to be cancelled over a certain period of time. Farmers and herdsmen can freely sell their products. In the field of industry and commerce, national arts and crafts are supported and collective and private industries and trades are encouraged. With regard to education, boarding schools for children of farmers and herdsmen are free in terms of tuition fee, food and accommodation.

(c) The right to ensure the Tibetan people to freely use and develop their own spoken and written languages. In 1987, the people's congress of the autonomous region adopted several provisions concerning the study, usage and development of Tibetan language, and set the principle of using both Tibetan and Chinese languages with Tibetan as the main language. A working committee

9. It has become a regular practice to conduct political consultations and cooperation among various national and religious representatives. Today, more than 1,700 national and religious representatives hold posts at different levels of people's congresses, governments and political consultative conferences to perform their duty of democratic supervision.

10. The Tibetan citizens, like citizens of other nationalities, enjoy wide-ranging political rights embodied in the Constitution. In addition to the above right to elect and be elected, they also enjoy freedoms of expression, publication, assembly, association, demonstration and parade. Many associations, institutes, research groups and funds are independently carrying out activities according to the Constitution and the law.

11. In addition to managing their own local affairs, the Tibetan people also participate in the handling of State affairs. Vice Chairman Ngapoi Ngawang Jigme of the National People's Congress and Vice Chairman Pagbalha Geled Namgyai of the Political Consultative Conference are both Tibetans, and dozens of Tibetans are elected to the Standing Committee of the National People's Congress and National Political Consultative Conference. Many Tibetan cadres are holding important posts above the director level in the party and State organizations.

12. Under the feudal system of serfdom in Tibet, women had no right to attend any social and political activities. The local creed in Tibet used to have very explicit provisions, stipulating that slaves and women were not allowed to participate in the military and political activities. After the peaceful liberation of Tibet and especially since the democratic reform, the status of Tibetan women with untold sufferings has witnessed fundamental changes. A large number of Tibetan women have started to work in various governmental departments, and many even hold important posts. According to the statistics, at the country level, 10.2 per cent leading posts are held by women. Economically, women in Tibet enjoy the right to same work, same pay. In the total number of employment, more than 30 per cent are women. A large number of Tibetan women have also become experts in science, technology, and other professions, and 17 per cent of the professionals with senior titles are women.

C. Economic construction and people's livelihood

1. Agriculture and animal husbandry

13. In the early years after Tibet's peaceful liberation, according to the statistics in 1952, the total output value of agriculture and livestock breeding was only 183 million yuan, grain production 155 million kg, rapeseed production 1.8 million kg and the livestock 9.74 million. In 1990, the total output value of Tibet's agriculture and livestock breeding came to 789 million yuan, its grain production reached 555 million kg, rapeseed production 15 million kg and the amount of livestock 22.8 million, more than 3.31 times, 2.57 times, 7.3 times and 1.34 times, respectively. In 1990, Tibet's livestock provided a total of 93 million kg of meat, it turned out 178 million kg of milk, 8.5 million kg of wool and 496,000 kg of goat hair.

2. Industry

14. The old Tibet had no modern industry to speak of. Over the past 40 years, it has established 263 industrial enterprises with 26,000 workers (60 per cent are Tibetans) in more than 10 trades specializing in power generating, mining, wool textile, leather tanning, building materials, chemicals, paper making, printing and food processing. During the Seventh Five-Year Plan period (1986-1990), added fixed assets came to 1.9 billion yuan. In 1956, the industrial output value was only 1.7 million yuan, and in 1990, it reached 235 million yuan, an increase of more than 130 times. In 1990, cement production was 130,000 ton, log 200,000 cubic metre, carpet 25,000 square metre, chromium production 87,000 ton and 3,000 vehicles were overhauled.

3. Electricity

15. The old Tibet only had one small hydroelectric station with a generating capacity of 125 kw. Today, Tibet has established 433 hydroelectric stations with a total generating capacity of 150,000 kw and an annual 300 million kwh of electricity. Today, 80 per cent of the counties have their own hydroelectric stations, and 32 of the townships are supplied with electricity. Geothermal, solar and wind energies are utilized more and more widely. Yangbajing Power Station in Tibet is the largest geothermal station in China with a generating capacity of 25,000 kw, Yamzhong Yumco Power Station with a capacity of 60,000 kw is now under construction.

4. Transportation

16. In the past, there was not a single good highway in Tibet and transportation was extremely inconvenient within Tibet and beyond. At the end of the 1940s, a foreigner sent a car to the 14th Dalai Lama, but since there was no road, the car had to be disassembled and carried to Lhasa by men and animals. Over the past 40 years, the State has invested more than 3 billion yuan to develop Tibet's communication and transportation facilities. In 1954, the famous Sichuan-Tibet and Qinghai-Tibet highways were completed. There are now highways totalling 21,834 km in length and more than 720 bridges, forming a network of 15 trunk lines, and 315 branch lines radiating from the city of Lhasa. Except for the county of Motuo, highways now reach every county and 77 per cent of the townships in the region. There are more than 20,000 vehicles in the region and most of them are private ones purchased by farmers and herdsmen. An oil pipeline, 1,080 km long, was laid between Golmud and Lhasa in the mid-1970s. Since 1956, air services have been gradually opened between Lhasa and Lanzhou, Xian, Chengdu, Guangzhou, Golmud and Kathmandu, capital of Nepal.

5. Postage and telecommunication

17. In the past, letters were sent by couriers on horseback. According to the statistics in Tibet, by 1990, 120 post offices were built, and the one-way post line was as long as 71,401 km, and 56,725 km in the rural areas. Post service is available in all counties and towns. Seven satellite ground stations were established in Lhasa, Xigaze, Qamdo, Nagchu, Ngari, Shannan and Nyingchi. Lhasa long-distance automatic telephone system is open and has

become part of the international national long-distance automatic telephone network. Telephones in Lhasa have increased from 460 in 1959 to 22,030 now. In Lhasa and many other prefectures, telegram service in Tibetan language is available, and a network of telegram is expanding.

6. National handicraft industry

18. Tibet's time-honoured national handicraft industry boasts unique craftsmanship. Before liberation, however, it was extremely backward, and chiefly for the benefit of aristocrats and monasteries. Craftsmen and artisans were at the bottom rung of the social ladder, seriously handicapping the development of the industry. Over the past 40 years, with the assistance of the Government, Tibet's national handicraft industry has been rapidly restored and developed. Today, Tibet has 120 national handicraft enterprises, producing more than 1,600 kinds of products. Some of its products with distinctive local flavours have entered the international market. In 1989, the total output value of Tibet's national handicraft industry came to 41.07 million yuan.

19. At the same time, there are now 6,999 rural enterprises and projects engaged in diversified production (including 319 run by townships, 110 by villages, 480 by groups of households and 6,090 by individuals), bringing in a total income of 320 million yuan in 1990.

7. Commerce, foreign trade and tourism

20. In the past, Tibet remained closed or semi-closed to the outside world for a long time. In 1990, 946 State commercial establishments, more than 880 collective supply and marketing cooperatives and 40,000 private commercial households were established. In 1990, the region's total volume of retail sales amounted to 1.5 billion yuan and the volume of import and export reached 245 million yuan.

21. From 1980 to 1990, with the help of the central government and other provinces and municipalities, Tibet established a group of modern hotels and restaurants and improved its tourist facilities, received 108,000 tourists and earned 225 million yuan and US$ 27 million in foreign exchange. From January to November 1991, Tibet received more than 15,000 foreign tourists.

8. People's livelihood

22. Along with economic and cultural development, the living standards of Tibetan people have improved noticeably. In 1990, the per-capita net income of Tibetan farmers and herdsmen averaged 430 yuan and the per-capita consumption of grain and meat 250 kg and 42.5 kg respectively. Improvement in the provision of food, clothing, shelter and transportation for urban residents is more evident. In 1990, grain for Lhasa residents was 330 kg per capita and rapeseed 24 kg per capita. Per-capita greenery was 10 square metres and floor space 9 square metres.

D. Education and science

23. Before its peaceful liberation, Tibet only had a monastery education for the study of scriptures and a few private schools for the children of nobles and local officials. More than 90 per cent of the Tibetans were either illiterate or semi-literate, and only 2 per cent of school-age children went to schools. At present, the region has three universities with a total enrolment of 1,973, some 15 secondary vocational and technical schools with 3,968 students, 68 ordinary middle schools with 23,000 students, 2,398 primary schools with 139,000 students, and 54.4 per cent of school-age children go to schools. In addition 18 inland provinces and municipalities have opened 15 junior middle classes and secondary vocational classes for Tibetans which have a combined enrolment of 7,000. Tibet also encourages amateur education, such as adult education programmes, audio-visual education and activities designed to eliminate illiteracy and other training courses.

24. According to the statistics from the fourth national population census in July 1990, in the region, there were 12,610 people with a university education, 131,129 with a secondary school education among which 46,590 with a senior middle school education and 84,539 with a junior middle school education, and 408,384 with a primary school education.

25. Compared with the statistics from the third national census, in every 10,000 people, people with a university education increased from 42 to 57, people with a senior middle school education from 121 to 212, people with a junior middle school education from 361 to 385 and primary school education from 1,664 to 1,860. Illiterate and semi-illiterate people (people at and above the age of 15 who cannot read and write or can only read and write a little) are 975,652, making up 44.43 per cent of the total population, and the percentage was 46.12 in 1982.

26. The Tibetan people have accumulated many experiences in Tibetan medicine, astronomy, architecture, national handicrafts, agricultural production and livestock breeding, and developed unique skills in these fields. Generally speaking, however, modern science and technology were non-existent in Tibet before the 1950s. As of now, the region has established 13 scientific research institutions including forestry, biology, ecology, solar energy, astronomy and calendar, and Tibetan medicine and pharmacology. The number of scientists and technicians in the region has topped 26,000, 54 per cent of whom are Tibetans. The number of senior and mid-level scientific research personnel of Tibetan and other ethnics totals 196 and 2,262 respectively, accounting for 37 per cent and 52 per cent of the total in the region. The majority of them were trained after the founding of the People's Republic of China.

27. In recent years, Tibet has completed more than 1,000 scientific research and technological development projects in the fields of agriculture, livestock breeding, forestry, geology, meteorology and medicine. Of these, 343 have won prizes from the State, the autonomous region and relevant departments.

E. Medical and public health and social security

28. Tibetan medicine and medical treatment have long history and can achieve unique results. However, before liberation, there were only a few medical institutions and folk clinics in Tibet which mainly served the nobles and officials. Doctors and medicine were inaccessible to the masses of Tibetan people and disease was rampant in Tibet. In 1925, more than 7,000 people died of smallpox in Lhasa alone and, in 1934 and 1937, over 5,000 Tibetans died of typhoid.

29. After the peaceful liberation, the Government paid special attention to the health of the Tibetan people and introduced the system of free medical care in Tibet. In the past four decades, the Government has allocated special funds totalling 700 million yuan for the development of medical service in Tibet. At present, 900 medical and public health establishments with 5,000 hospital beds have been set up in the region. The number of health workers are more than 9,000, and 77 per cent of whom are Tibetans. Tibetan medicine institutions have increased from 3 in 1959 to 74 now. In 1985, the immunity rate for children reached 85 per cent and many diseases that gravely threatened the life and health of the Tibetan people in the past are under effective control. The average life span of the Tibetan people has been extended from 35 years in the 1950s to more than 65 years today.

30. The Government has implemented a policy of supporting production and providing relief to impoverished areas and households in Tibet. Between 1979 and 1990, the Government allocated over 80 million yuan, 40 million kg of grain, 700,000 garments and bedding, 37,000 rooms, 13,000 tents, 75,000 production tools and 800,000 motor vehicles for the poor and enabled more than 300,000 people from 60,000 households to extricate themselves from poverty. Some 80,000 people of 10,000 households since then have entered a more prosperous life.

31. The Government offers various guarantees for the orphaned and the elderly in Tibet. At present, seven welfare facilities and 50 homes for the aged have been established in the region. The "five-guarantee-household system" (food, clothing, medical care, housing and burial expenses for the childless and infirm elderly and for the weak, sick and disabled who have lost their ability to work) has been implemented. In 1989, there were 7,300 people under the care of such a system from the agricultural and pastoral areas to which the Government offered an average of 2.5 million yuan in relief funds annually.

F. Inheritance and development of traditional culture

1. Cultural relics and archaeology

32. The people's congress of the autonomous region has adopted the Provisional Regulations Concerning the Administration of Cultural Relics. The Cultural Relics Management Committee of the region has been established to inspect and protect cultural relics and many exhibitions of cultural relics have been held both at home and abroad. The State and region have listed a number of monasteries such as the Potala Palace and Jokhang Monastery as key sites for cultural relics under the special care of the State and region.

Since the mid-1970s, Tibet has carried out systematic archaeological activities on the plateau and has opened scores of cultural ruins and relics.

2. Media and publications

33. In the past, the Tibetan classics only had hand-copy and wood-carving texts. Now, modern technology is used to store Tibetan works into computers. Tibet has 30 newspapers and magazines in both Chinese and Tibetan languages. By 1990, Tibet People's Publishing House published more than 1,200 varieties and 25.6 million volumes of books, of which 80 per cent are in the Tibetan language. Furthermore, it published more than 200 kinds and over 1 million copies of Tibetan classics. Many Tibetan classics which were undiscovered for hundreds of years are typographically printed and beautifully bound for the first time.

3. Literature and art and folk culture

34. The rescue, preservation and study of King Gesar, a famous epic, has been listed a key research item by the nation's social sciences department, and the related department has set up a special organization for this purpose. Now, 62 volumes of the epic in Tibetan have been published and more than 3 million copies sold. Eight Tibetan Traditional Dramas, Selected Works of Tibetan Folk Tales, Selected Works of Tibetan Folk Songs, the Proverbs of Tibet and other works concerning Tibetan music and dance have been compiled and published. The Sour Milk Festival, recently restored, has been developed from performances of traditional Tibetan dramas to a grand art gathering of the Tibetan people.

4. Study of Tibetan science

35. Eight research institutions such as the Academy of Social Sciences and the Nationality Research Institute of the Tibet Nationality College have been set up in the region. More than 40 special organizations for the study of Tibetan science have been established nationwide. On 20 May 1989, the China Tibetan Science Research Centre was founded in Beijing. These Tibetan research institutions have conducted large-scale social investigations and the preservation of ancient books. They have studied and corrected Tripitaka in the Tibetan language and published Pattra in Sanskrit language. Several symposiums on Tibetan science and influential academic discussions have been held. More than 20 Tibetan research magazines such as The Study of Tibet, China's Tibetan Science and China's Tibet have been published. Today, about 2,000 researchers nationwide are engaged in the study of the Tibetan science, among which over 200 are senior researchers. From 1978 to 1989, more than 70 post-graduates with M.A. degrees in the Tibetan Science were trained and 50 per cent were Tibetans.

5. Broadcast, films and television

36. Up to 1990, Tibet established two broadcasting stations, 14 medium and short wave transmission stations and 74 rediffusion stations in various cities and counties. There are also two television stations, 98 television relay stations, 19 television transposer stations, and 163 radio and television satellite ground stations. The region's medium wave radio and television

broadcasts cover an area in which 21.8 per cent and 34 per cent of the local population live. The region has 82 film distribution and projection institutions, 553 projection teams, 13 cinemas and theatres. On average, 25 feature films are dubbed in Tibetan annually. Since the peaceful liberation of Tibet, films have been shown free of charge in agricultural and pastoral areas.

6. Cultural life

37. Now Tibet has 10 professional art troupes, 25 small performance teams and more than 150 amateur Tibetan drama and art troupes. The number of art workers has topped 5,000. The Tibet Autonomous Regional Song and Dance Ensemble, the Lhasa Song and Dance Ensemble and a number of Tibetan artists such as Cedan Zhoima have won repute both at home and abroad. Many dramas, novels, paintings and photographs produced by Tibetans have won international and national prizes.

G. Population

38. Tibet did not have any accurate census date when Tibet was peacefully liberated in 1951. The figure of the population provided by the local government of Tibet was 1 million. Since the founding of New China, four national population census were carried out. When the first national census was conducted in 1953, Tibet had 1 million people as reported to the census organizations by the then local government of Tibet. By the time the second census was conducted in 1964, this figure increased to 1.25 million, not including 67,000 people who escaped under the threat of the rebels during the armed rebellion in 1959. The third national census in 1982 found that the Tibetan population reached 1,892,000. The result of the fourth national census in July 1990 showed that Tibetan population was 2,196,000 of whom 2,096,000 were Tibetans. The population of Tibet increased by more than one time between the period 1953 and 1990.

39. The implementation of family planning is a basic State policy of China. Considering the differences among the country's various ethnic groups in terms of population and economic and social lives, the Government has formulated a special policy for these ethnic groups, including Tibetans, stating that family planning is also encouraged in minority areas, but detailed family planning regulations and measures in ethnic minority areas could be formulated by the autonomous authorities in the light of the local conditions. When the family planning policy of "one couple, one child" was formally adopted in the early 1970s, it only applied to Han cadres and workers who worked in Tibet, while local Tibetans were exempt from the policy. In 1985, based on the actual population situation in Tibet, the Government of the Tibet Autonomous Region proposed the implementation of a family planning policy among Tibetan cadres and workers, encouraging each couple to have one child or two after an interval. Among farmers and herdsmen, only education of scientific birth control methods, and health care for women and babies were carried out and the Government has never set a limit on the number of children.

40. There has witnessed a fast growth of the population in Tibet and an enhancement of the quality of the population. According to the statistics of the relevant department in Tibet, the average growth in height of male

adolescents between the age of seven to 17 is 8.11 cm, female 8.46 cm; as for their average weight increase, male is 4.57 kg and female is 3.16 kg.

41. In Tibet, there are not only Tibetans, but since ancient times people of different nationalities, such as Han, Hui, Moinba and Lobas as well as people of the Dengs and Sharpas. However, Tibetans always constitute the overwhelming majority. According to the data of the national population census, the ratio of the Tibetans as against the total population in Tibet is 1,209,000; 96.63 per cent of the total population in 1964; 1,786,500, 94.4 per cent in 1982. 2,096,000, 95.46 per cent in 1990. Of the same period, the population of the Han nationality is respectively 37,000, 91,700 and 81,200 that constitute respectively, 3 per cent, 4.85 per cent and 3.7 per cent. For the other ethnic groups, the figures are respectively, 5,000, 14,100 and 18,400 and they constitute 0.37 per cent, 0.75 per cent and 0.84 per cent of the total population in Tibet.

42. The Chinese Government has never formulated and implemented the plan of emigration to Tibet. The State, in line of the need of construction of Tibet, has elected a few personnel of Han and other nationalities to serve in Tibet. Most of them are professional and technical personnel with high-level education and skills. Together with the Tibetan people, they have made contributions to the economic and cultural construction in Tibet. They are welcomed by the Tibetan people.

43. In recent years, as Tibet has implemented the economic policy of opening up and reform, some Han and Hui people have gone to Tibet to do business or as craftsmen. These people are always on the move and limited in number. They have not emigrated to Tibet.

H. Freedom of religious belief

44. Tibet was in the past a society of feudal serfdom with the administration and religion going hand in hand and dictatorship of the rich monks. After the Democratic Reform in 1959, administration and religion were separated and all religious sects became equal. The feudal privilege of the monasteries and the feudal system of oppression and exploitation were abolished. Monasteries were administered under a democratic system. Now, Tibet has opened and prepared more than 1,400 monasteries and other religious sites in which reside 34,000 monks and nuns. In the past 10 years, the State has allocated more than US$ 43 million in the repair of monasteries. In 1989, the State decided to give US$ 40 million for the maintenance of Potala Palace which has for a long time been in a state of disrepair. The traditional religious festivals have also been restored.

45. The Government always respects the patriots of the religious circle in Tibet. Now there are 615 religious patriots of Tibet elected as deputies of the People's Congress and Political Consultative Committee at different levels and members of the Buddhist Council. The Government also respects the system of reincarnation of the living Buddha in Tibetan Buddhism.

46. On 28 January 1989, the tenth Bainqen died. On 30 January 1989, the State Council stated that the State would allocate special funds for building

a memorial tower and hall. If necessary, China Buddhist Association and Tibetan Branch of China Buddhist Association would assist in seeking and confirming the Soul Boy in the process of reincarnation of the Tenth Bainqen.

47. The region has the Tibetan Branch of the China Buddhist Association and established seven Buddhist associations in seven towns and cities. The People's Government of the Autonomous Region has set up the Committee on Nationality Religious Affairs. Tibet has a Buddhism Institute and the big monasteries have classes to teach Buddhism. Every year big activities are organized to teach and study Buddhism. The Tibet Buddhist Association started the publication of the magazine "Tibetan Buddhism" in the Tibetan language. With the approval of the Government, some big monasteries printed scriptures. Many scripture books in Potala Palace are being restored among which the treasury book "Danzhuer" are being copied by the calligraphers.

48. The masses who believe in religion in Tibet are free to set up scripture hall, recite scripture, go to the temples to burn incense, worship Buddha, lay carpet, make long kowtows and lead a religious life.

I. Judicial safeguard for human rights

49. It is the fundamental purpose and task for the departments of public security and judiciary to protect the basic rights and freedom of the Tibetan people, public property and the lawful private property of the citizens, maintain social order, punish criminals in accordance with the Constitution and law.

50. The region's procuratorates and courts of various levels are local State judicial organs established according to the law. They can use the procuratorial right and the judicial authority independently and are only subject to law and free from interference of other administrative organs, societies and individuals. The procuratorate and chief of the court are elected by the people's congress of the Tibet Autonomous Region. Now the main officials in procuratorates and courts of different levels in Tibet are Tibetans.

51. In accordance with the relevant provisions of law, the people's courts and procuratorates and public security departments, when dealing with criminal cases, cooperate with each other according to their own responsibilities and also condition each other. They can only exercise their power within the line of their duty and cannot act on each other's behalf. The public security departments can, in order to obtain evidence, search the accused or suspects, their belongings and houses, but it must be carried out strictly according to law. The procuratorates supervise the activities of the public security departments in their investigations. Whether the cases after the investigation should be brought to suit, it will be decided by procuratorate in accordance with the law. Except for those cases that cannot be handled publicly, all the other cases should be handled publicly by the people's court according to law. Before the court session, the court will publish the content of the case, the name of the accused, the time and the place of the court session and visitors are allowed. The decision of the court must be made public.

52. According to Chinese law, the accused has the right to defence. Since the majority of people in Tibet are Tibetans, the people's congress of the region passed special regulations that all people's courts and procuratorates must ensure that Tibetan citizens have the right to use their national language during a suit and Tibetans involved in the legal proceedings shall use Tibetan language in handling cases and all the legal documents must be in Tibetan.

53. All the people in public security and judicial departments in the region are required to act according to law in their work and torture is strictly forbidden and criminals are given humanitarian treatment.

J. Natural resources, biological and environment protection

1. Protection of forest

54. The Autonomous Region issued "The Regulations on the Protection of the Forest in Tibet Autonomous Region", "Eight Rules on the Prevention of Fire by the Office of Forestry of the Tibet Autonomous Region", "Provisional Regulations on Inspection of the Wood Transportation in the Tibet Autonomous Region".

2. Protection of mineral resources

55. In order to administer the exploiting and protecting of the resources, the region adopted "Methods on the Management of Exploiting Mines by Collective Enterprises and Individuals". In areas that have mines, the mining activities can be carried out with the approval of the Government and technical guidance of the departments concerned. One has to go through strict process for approval to run the mine and transport minerals.

3. Protection of wild animals

56. The region has issued regulations on protection of wild animals, set up an association for the protection of wild animals and established seven natural protection zones, such as the natural protection zone of Qomolangma and wild animal protection zones. All kinds of forests, plants and endangered wild animals are effectively protected.

4. Biological and environmental protection

57. In 1990, the State invested 3,900,000 yuan for the construction of the region's environmental supervision station. The station set up three atmosphere sampling stations at the upper, middle and lower parts of the Lhasa River, three river supervision units and 27 traffic noise control units. The results of the supervision show that the density of carbon dioxide that is harmful to people is 0.1 less in every cubic metre of air above Lhasa, lower than the State's standard. The atmosphere does not contain harmful dioxide and the dust in it is less than 0.4 milligram. According to the inspection of the river and soil at Dagong county and Lhasa which are situated at the upper part of the Lhasa River, and the joining place of Lhasa River and the Yarlung Tsangpo River, the water's acidity and alkalinity, hardness and consumption of the oxygen have no change above three points. There is no pollution in the

rivers of lead, zinc and copper or artificial radioactive pollution. There is no nuclear pollution at all. The little natural radioactive pollution as a result of the high altitude is also within the normal limit. The traffic flow in several main roads in Lhasa is 824 vehicles per hour. Because there is no strict control over vehicle horns, some noises are produced.

58. Environmental departments have adopted a series of measures to protect biological environment, such as the construction of Yangzhuoyong Lake power station, Shannan Luobusaluo Iron Mine and other big projects. All of them are being carried out under strict inspection and management in accordance with the law of the environmental protection. The refuse site that is near Lhasa has been removed so as to reduce the pollution of the Lhasa river. Sewage treatment plant has been built. Remote Sensing Institute of the Chinese Academy of Sciences and Meteorological Bureau of Tibet are using high-tech to supervise the agricultural development of the areas along Yarlung Zangpo River, Nyang Qu River and Lhasa River.

59. Now, Tibet Autonomous Region has issued "Methods of Environmental Protection Management of Constructions", "Regulations of the Environmental Hygiene in Lhasa", "Regulations on the Forestation of Lhasa". "Regulations on the Protection of Tibet Environment" is about to be completed. Biological and Environmental Protection has step by step embarked on the path of legal administration.

Annex II

INFORMATION RECEIVED FROM NON-GOVERNMENTAL ORGANIZATIONS IN CONSULTATIVE STATUS*

1. Amnesty International: China. Amnesty International's concerns in Tibet

A. Introduction

1. In this document, Amnesty International describes its concerns about human rights violations in the Tibet Autonomous Region and other Tibetan autonomous areas of China.

2. Violations of human rights of concern to Amnesty International in Tibet include the imprisonment of prisoners of conscience and of other political prisoners after unfair trials, torture and ill-treatment of detainees, the use of the death penalty and extrajudicial executions. Constitutional and legal provisions in Tibet restrict the exercise of basic freedoms and lack human rights safeguards consistent with international standards.

3. Over four years after the start of a series of demonstrations and other activities by Tibetans advocating independence from China, the authorities of the Government of China in the Tibet Autonomous Region and in Beijing continue to maintain strict controls on information regarding human rights in Tibet and have apparently refrained from bringing to justice those responsible for human rights violations. The authorities have never replied to Amnesty International's appeals and enquiries about human rights violations such as those reported in this document. The Chinese Foreign Ministry has rejected as "entirely illegal, null and void, and absolutely unacceptable to the Chinese Government" resolution 1991/10 on the "situation in Tibet" adopted on 23 August 1991 by the United Nations Sub-Commission on Prevention of Discrimination and Protection of Minorities.

B. Prisoners of conscience and political prisoners

1. "Reform through labour"

4. Over 100 prisoners of conscience are currently known to be held in Tibet: they include Buddhist monks and nuns held for peacefully advocating Tibet's independence from China and lay Tibetans reported to have expressed support for Tibetan independence or to have been found in possession of clandestine documents, political literature, Tibetan nationalist flags or

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* In the interest of brevity and efficiency, the Centre for Human Rights has edited the submissions contained in this annex. Identical information found in several submissions has been deleted and only appears once; all footnotes have been deleted. The complete original texts are available for consultation with the secretariat.

non-public information. Some of them have been sentenced to "reform through labour" after trials which fell far short of international standards for fairness. Others have been given terms of administrative detention (known as "re-education through labour") without formal charge or trial.

5. Buddhist monks and nuns accused of advocating Tibetan independence are among those serving sentences of "reform through labour". Five monks from Ding-gar, a Tibetan Buddhist monastery in Toelung Dechen, near Lhasa, capital of the Tibet Autonomous Region, were reportedly detained on the afternoon of 17 March 1991 while attempting to unfurl a Tibetan flag at the start of a demonstration on the Barkor, a circular pilgrimage path in central Lhasa. According to eyewitness accounts, the five monks were detained when they started to shout slogans in favour of Tibetan independence from China.

6. The five monks were first detained in Lhasa's Gutsa Detention Centre. In August 1991, there were reports that they had been tried and sentenced and were serving prison sentences in Drapchi Prison. They are: Ngawang Zoepa, aged 28, from Doe, Damshung region, reportedly serving a six-year sentence; Kelsang Gyaltsen, aged 25, reportedly serving a five-year sentence; Ngawang Tsondrue, aged 26, reportedly serving a four-year sentence; Ngawang Legshe, aged 22, reportedly serving a four-year sentence; and Ngawang Namgyal, aged 22, from Damshung, reportedly serving a three-year sentence.

7. Other Tibetans accused of circulating leaflets advocating Tibetan independence are also serving terms of "reform through labour". They include Thupten Tsering and Tseten Norgyal, who were detained in March or April 1989 on suspicion of involvement in activities in favour of Tibetan independence. They were formally arrested in November 1989. It appears from the indictment brought against Tseten Norgyal and Thupten Tsering in February 1991 that they were principally accused of having helped circulate leaflets advocating Tibetan independence. There were no allegations that they advocated or engaged in violence. Tseten Norgyal was reportedly sentenced to four years' imprisonment and Thupten Tsering received a five year sentence.

8. A Tibetan who attempted to gather information about people detained in connection with advocacy of Tibetan independence was himself detained, charged with espionage and sentenced to 13 years' imprisonment at a trial in December 1990. Jampa Ngodrup, a medical doctor at the Lhasa City Barkor Clinic, was accused of having "with counter-revolutionary aims, collected lists of people detained in the disturbances [the activities in favour of Tibetan independence carried out by Tibetans in Lhasa in 1988] and passed them on to others, thus undermining the legal system and violating the [laws of] secrecy", according to the court verdict on his case. Jampa Ngodrup was detained on 20 October 1989 and formally arrested on 13 August 1990. He was tried and sentenced on 24 December 1990.

9. Jampel Changchub and Ngawang Phulchung were among 10 monks from Drepung monastery who were tried and sentenced by the Lhasa Intermediate People's Court on 30 November 1989 to terms of imprisonment ranging from 5 to 19 years for "counter-revolutionary" offences, including alleged "acts of espionage", related to their advocacy of Tibetan independence. Jampel Changchub and Ngawang Phulchung both received 19-year prison sentences. With their

co-defendants, they were accused of having formed a clandestine group in January 1989 and of producing leaflets and handbills which were critical of the Chinese Government. On 30 November 1989, the official Radio Lhasa broadcast a statement about Ngawang Phulchung and the group of Drepung monastery monks:

> "The crimes committed by Ngawang Phulchung and other criminals demonstrate that the so-called human rights, freedoms and democracy played up by separatists both at home and abroad are nothing but a pack of deceitful lies. Deliberately planning to form counter-revolutionary organizations, putting up posters, spreading rumours and collecting information, they frenziedly conducted criminal activities to split the motherland ...
>
> "Ngawang Phulchung and the other criminals were formerly lamas, but they took an active part in the counter-revolutionary criminal activities of splitting the motherland. They thoroughly betrayed the religious doctrines and canons of Buddhism by their actions ...".

10. Among the documents that the group was accused of printing was a Tibetan translation of the Universal Declaration of Human Rights. The other documents they published included reports on recent dissident activity in Tibet and on Tibetans shot and killed by police at a pro-independence demonstration; reports about support abroad for Tibetan pro-indepedence activists; and a document produced by the group itself, entitled The Meaning of the Precious Democratic Constitution of Tibet.

2. Administrative detention

11. More than 200 political prisoners, including dozens of prisoners of conscience, were reportedly being detained in Tibet in December 1991 on suspicion of taking part in activities in favour of Tibetan independence from China. Many appeared to have been detained without charge or trial under regulations which provide for the imposition by administrative authorities of terms of "re-education through labour" for periods of up to four years. "Re-education through labour" is a punishment imposed by administrative authorities upon the request of the police. Those sentenced to "re-education through labour" are not formally charged or tried, nor do they have any opportunity to present an effective defence or appeal against the allegations which led to their imprisonment.

12. According to official reports, 97 Tibetans, including many young nuns were sentenced without trial to "re-education through labour" between September 1987 and 1991. Some juvenile prisoners, arrested for peaceful political activities, are reported by unofficial sources to have been imprisoned together with adult prisoners; they include a 14 year-old boy who was reported in 1990 to be held at Drapchi Prison in Lhasa. Other children were held in Gutsa Detention Centre, including a girl who was only 12 years old when she was detained for several months in 1989 and reportedly ill-treated.

13. People currently reported to be serving terms of administrative detention include Kelsang Phuntsog, 21 years old, from Lhunkhang Dongtso in Nyemo County, a wood-block printer and monk at Sera Monastery. He was reportedly detained while distributing leaflets on the Barkor pilgrimage path in Lhasa, on 4 August 1991. He was reportedly held for one night in the Barkor police station then sent to Gutsa Detention Centre. The leaflets reportedly contained slogans calling for Tibetan independence, for "the Chinese" to leave Tibet and for human rights for the Tibetan people.

14. Buddhist nuns have also been given terms of administrative detention for allegedly taking part in unauthorized demonstrations in favour of Tibetan independence. Kelsang Wangmo (lay name: Pedchoe), aged 21, from Nyethang, and Tenzin Choekyi, aged 20, from Chusul, were detained for demonstrating on 14 October 1989. Each was given three-year terms of "re-education through labour", according to a report published in the official Tibet Daily newspaper on 18 October 1989. Kunchog Drolma, aged 29, from Lhokha, and Choenyi Lhamo, aged 19, from Nyemo, both nuns from Chubsang Nunnery, were each given three-year terms of "re-education through labour" on 23 September 1989 for allegedly taking part in a demonstration on 22 September 1989, according to a report published in the Tibet Daily on 25 September 1989.

15. Ama Phurbu, a 59 year-old small trader from Barkor Garu Shar in Lhasa, was reportedly detained on 10 October 1989 after her home was searched by the police and leaflets on Tibetan independence were found. She had allegedly taken part in public prayers on the Barkor pilgrimage path in 1989 in memory of demonstrators killed by the police. Ama Phurbu is now reportedly serving a three-year term of "re-education through labour" in Gutsa Detention Centre.

16. Lobsang Tashi, a 38 year-old Buddhist monk, who was reportedly detained in late 1989 or early 1990, was reported in late July 1991 to be awaiting administrative punishment or criminal sentencing in Chamdo, a district seat in the Tibet Autonomous Region, according to Tibetans who reached Nepal from Tibet in August 1991. Lobsang Tashi was a monk at Zitho monastery near Chamdo when he was reportedly detained for distributing and displaying leaflets containing calls for Tibet to become independent of China.

C. Torture, ill-treatment and deaths of detainees or former detainees

17. Consistent reports, including testimonies by former detainees and relatives of detainees who left Tibet illegally, indicate that people held in police stations and detainees in prisons and detention centres in the Tibet Autonomous Region have been systematically tortured and ill-treated. The methods of torture most commonly reported include beatings, shocks with electric batons on the genitals, the soles of the feet or in the mouth and the use of handcuffs, shackles or ropes to secure prisoners in positions deliberately intended to inflict pain. Deprivation of sleep or food, exposure to cold and being made to adopt exhausting physical postures are also reported to be common during interrogation. Cases of death in custody have been reported in the past three years, as well as deaths of former detainees within weeks of their release. Some of these deaths were reportedly related to ill-treatment and lack of medical care in detention.

18. The Criminal Law of China stipulates that it is "strictly forbidden to extort a confession by torture" (yanjin xingxun bigong, art. 136). It provides for imprisonment for up to three years, more if the victim suffers injury. The Criminal Procedure Law repeats the prohibition of "extortion of confessions by torture" or by "other unlawful means". The Regulations on Detention Centres, which came into force in March 1990, provide that "beating and verbal abuse, corporal punishment" and "maltreatment" (nüedai) of "offenders" are "strictly forbidden" (art. 4).

19. Chinese representatives at the United Nations stated to the Committee Against Torture in 1990 that since China became a party to it in 1988, the provisions of the Convention Against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment have automatically acquired legal force in China, so there has been no need for special enabling legislation to bring its provisions into effect. However, the language of the Convention Against Torture differs from that of the Criminal Law and other Chinese regulations. The word "torture" (kuxing), as defined in the Convention Against Torture, is of much wider scope than "extortion of confession by torture", which is an offence under the criminal law of China. Amnesty International is concerned that very few of the safeguards against torture provided in various international instruments are effectively available in China and that neither the methods followed for the investigation of allegations of torture nor the results of such investigations are made public.

20. China submitted its first report on its implementation of the Convention Against Torture in December 1989. The Committee Against Torture examined the report in April 1990; its chairman noted that the Committee had received "information concerning allegations of torture in China, particularly in Tibet, from non-governmental organizations and also by the Special Rapporteur [on Torture] of the [United Nations] Commission on Human Rights. Those allegations of torture were numerous and mutually corroborative: torture did not seem an isolated phenomenon". China's report did not address allegations that torture had occured in Tibet. Members of the Committee noted that "many of their questions had remained largely unanswered". The Committee asked the Chinese delegation to send an additional report addressing the Committee's concerns before the end of 1990. China has not responded to this request and no supplementary report had been submitted by December 1991.

1. Reports of torture and ill-treatment of prisoners

21. Incommunicado detention, arbitrary detention without charge or trial for long periods, and administrative detention imposed without judicial supervision all provide circumstances in which torture often occurs. In Tibet, torture and ill-treatment occur as a result of the widespread practice of trying to obtain confessions from detainees before they are prosecuted, to intimidate them in order to force them to provide information about others.

22. Sonam Dolkar, a 24 year-old woman from Lhasa, was detained on 29 July 1990 by about 20 policemen who also searched her house because they suspected her of taking part in pro-independence activities. She was first taken to Lhasa's eastern police station, then transferred on 30 July to Seitru Detention Centre, where her interrogation took place. She escaped in May 1991 from a hospital to which she had been taken in February. After Sonam Dolkar had left

Tibet clandestinely, she was interviewed outside China: she said that she had been regularly tortured over a six-month period while held incommunicado in a cell in Seitru Detention Centre in Lhasa. She said her interrogators had given her electric shocks to her body, until she became unconscious. She said also that an electric police baton had been inserted into her vagina by her interrogators and that a large scar on her chest was caused when she was kicked by a guard. She said that she was tortured every second day for some months and kept in manacles and feet shackles throughout her detention. According to her testimony, Sonam Dolkar was held without charge or trial for about 10 months, from 30 July 1990 to about May 1991, in Seitru Detention Centre in a bare, windowless cell which she believed was underground. She said that she had never seen any other detainees, that food was insufficient and of poor quality and that she had had to sleep on the concrete floor of her cell, even during the cold winter months. She said that her health had declined but that medical care was virtually non-existent, although the use of electricity to torture her stopped after a doctor examined her after about six months of her detention. She was not brought to trial nor given access to anyone outside the detention centre during her imprisonment.

23. In another case, a teenage girl from Lhasa whose name is being withheld to protect her and her family, was detained for over four months in 1989 for taking part in a demonstration in which groups of teenagers used slings to throw stones at members of the military police force in Lhasa. She was reportedly held, along with other young people, in Sangyip Detention Centre in Lhasa. She was allegedly ill-treated while undergoing interrogation at the detention centre on or shortly after 8 March 1989. She was reportedly kicked on the head and the body by four or five armed police officials and received electric shocks inflicted with an electric baton while lying on the floor. She could not remember subsequent events for a few days but about three days after her first beating, she found that her left leg had become lame. The teenage girl was subsequently sent to a hospital for treatment of her leg injury. Two weeks later, after she had been released from the hospital and taken back to the detention centre, she was enrolled in a team of about 15 women detainees who were put to work, including cleaning excrements from waste pits. She was apparently subjected to further interrogation every four to seven days, and was sometimes beaten during interrogation. Since her release in 1989, she continues to suffer from lameness in her left leg and right arm as a result of beatings inflicted on her in detention.

24. Tsering Dhundrup, a 26 year-old woodcarver, was reportedly first detained in December 1988 for making woodblocks inscribed with slogans in favour of Tibetan independence. He was held in Utridu Detention Centre in Lhasa, where he was reportedly made to stand barefoot in cold weather on an outdoor concrete platform while guards poured water on his feet. When he was allowed to move his feet, some skin remained stuck onto the ground. Tsering Dhundrup was reportedly released after four months of detention without charge or trial. He was reportedly detained again around August 1990 and sentenced to seven years' imprisonment on unknown charges.

2. Reports of deaths of detainees and former detainees

25. A number of detainees in prisons and detention centres in the Tibet Autonomous Region are in recent years reported to have died in custody, or within weeks of their release, apparently as a result of ill-treatment or lack of medical care in detention. Yeshi, a 25 year-old painter from Lhasa, reportedly died in hospital in late August 1989, days after he had been released from five months' detention following the imposition of martial law in Lhasa on 7 March 1989. His death was allegedly a result of ill-treatment while in detention.

26. Tsamla, a woman trader from Lhasa aged about 39, died in late August or early September 1991, about three months after her release from two and half years in detention. According to reports received by Amnesty International, her death resulted from ill-treatment and lack of medical care. Tsamla had reportedly taken part in a number of pro-independence demonstrations in Lhasa in 1988 and is said to have been arrested and detained at Gutsa Detention Centre after a demonstration on 10 December 1988 (though another report had suggested that she was detained after a demonstration on 19 March 1989). She was held incommunicado for at least the first six weeks of her detention, during which time she is said to have been repeatedly beaten and kicked while undergoing interrogation. Her condition worsened over her months in detention, and in May or June 1991 she was reportedly taken to a clinic near Gutsa and then to the Lhasa People's Hospital, where exploratory surgery was apparently performed, finding that she had suffered a ruptured spleen. While in hospital, she was apparently told that she had been released and should go home. She died at home about three months later, apparently as a result of the injuries she sustained in custody.

27. Lhakpa Tsering, a 20 year-old Tibetan prisoner of conscience, died on 15 December 1990, apparently due to lack of adequate medical care while he was serving a sentence in Drapchi Prison. Lhakpa Tsering's body was reportedly handed over to his family on 16 December 1990: his family asked for an inquest into his cause of death to be carried out. A post-mortem was then held at a burial ground attended by a Tibetan doctor and an official from the local People's Procuratorate, but its results have not been made public. In June 1991, Amnesty Interntional received a detailed account of the circumstances preceding Lhakpa Tsering's death. The account, written by people close to the prisoner, indicates that Lhakpa Tsering was suffering from dysentery and was in extreme pain and unable to eat while in detention, and repeatedly appealed for medical assistance. However, prison doctors are said to have refused him proper medical care, including on at least three occasions in the days preceding his death. In January 1991, Lhakpa Tsering's relatives were reportedly offered an ex gratia payment of 300 yuan, equivalent to about two months' salary, by the local government authorities as compensation for his death.

3. Reports of extra-judicial executions

28. Peaceful demonstrators advocating Tibetan independence were killed on various occasions in 1987, 1988 and 1989 when police and army units opened fire on them. In all, more than 60 people are said to have been killed in this way. Most of their identities are not known but the victims reportedly

included two Tibetan monks who led a peaceful demonstration in Lhasa on 10 December 1988: they were apparently shot at close range by the security forces.

D. Unfair trials

29. Trial procedures in Tibet, as in the rest of China, fall far short of international standards for fairness. Defendants' rights are severely restricted and the practice of deciding sentences before trials are even held - a practice known as "verdict first, trial second" (xian pan hou shen) - is widespread. Procedures for trial established in Chinese law do not meet the minimum standards for fair trial set out in international human rights instruments - notably the right to have adequate time and facilities to prepare one's defence, the right to be presumed innocent until proved guilty in a court of law, and the right to cross-examine prosecution witnesses and to call witnesses in one's defence.

30. The Criminal Procedure Law provides that court presidents, "when they consider it necessary", should submit "all major and difficult cases" for "discussion and decision" to the "adjudication committee" (a body set up in each court to supervise judicial work). This appears to empower court presidents to decide which cases should be examined by the adjudication committees. In practice, however, all cases are decided first, before trial, by the adjudication committees. Judgements may also be submitted for examination and approval before trial to Communist Party committees in charge of political-legal work. These committees also issue opinions to the courts which, in practice, constitute instructions as to the verdicts and sentences to be imposed.

31. Political detainees have commonly been denied access to relatives for long periods after being taken into custody. Access to a lawyer is only possible after detainees have been charged and are awaiting formal trial. Often, this does not occur until a day or two before the start of the trial. Amnesty International has received reports that Tibetans accused of political offences have been denied lawyers. Lawyers who do try vigorously to pursue the defence of political prisoners face formidable obstacles and the threat of sanctions against themselves. An article in the Chinese legal magazine Faxue (The Science of Law) noted in 1988:

> "Lawyers ... suffer interference in their work from party and government organs, especially from the organs of judicial administration. For example, some Justice Bureaux have a regulation that if a lawyer wishes to present a defence of 'not guilty' in a criminal case, then he must first obtain authorization from the party organization of the Justice Bureau in question".

32. In political cases, the likelihood that defendants will receive a fair hearing is even more remote than in ordinary criminal cases: the outcome is usually a foregone conclusion. Most political trials are closed to the public with, at best, only the defendants' close relatives or members of their "work unit" allowed to attend. Pre-trial detention usually lasts several months. During that period, detainees have no access to a lawyer or their family, and it is common for them to be subjected to constant pressure aimed at extracting

from them incriminating information and making them admit to the accusations against them. Furthermore, lawyers usually limit their role to one of mitigation. These features applied in the cases of pro-independence activists who were tried in Lhasa in 1990 and 1991, including Jampa Ngodrup and Tseten Norgyal and the Buddhist monks from Drepung monastery, whose cases are summarized above.

E. The death penalty

33. The death penalty remains in use in Tibet, as it is throughout China. At least 13 prisoners have been sentenced to death in the Tibet Autonomous Region since 1990. At least six of them have reportedly been executed. On 18 May 1990, Lhasa Television reported that three Tibetan prisoners held in Drapchi Prison had been sentenced to death on 17 May 1990 for allegedly planning to escape. A fourth participant in the alleged escape plan received an extended prison sentence. The death sentences were announced at a sentencing rally held by the Lhasa Intermediate People's Court within the prison compound, apparently in the presence of other prisoners.

34. The court indictment against Migmar Tashi and Dawa, the text of which was obtained by Amnesty International in September 1991, indicates that the prosecuting authorities emphasized the political character of the defendants' motives in allegedly planning to escape. They did not take into account the fact that no actual escape or attempted escape had taken place. Under the Criminal Law, organizing a prison escape is not in itself a capital offence - it only becomes so when "the harm ... is especially serious and the circumstances especially odious". Amnesty International is concerned that political considerations have played a major role in the sentencing to death of the two prisoners.

35. Amnesty International opposes the death penalty in all cases as a violation of the right to life and a violation of the right not to be subjected to cruel, inhuman and degrading treatment or punishment as proclaimed in the Universal Declaration of Human Rights and other international human rights instruments.

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2. Disabled People's International, Human Rights Advocates, International Federation of Human Rights, International Federation of Women Lawyers, Pax Christi, International Education Development Inc. and Liberation: The situation in Tibet: A survey of current human rights violations, including denial of the right to self-determination

1. The purpose of this paper is to give an overview of the most pressing elements of the human rights situation in Tibet. It appears that the human rights situation in Tibet is closely linked to the Tibetans' quest for self-determination. It is apparent that the Tibetan people have a legitimate

claim to self-determination, and that the human rights situation in Tibet will not significantly improve until the Tibetan people are accorded the opportunity to exercise their right to self-determination.

2. Tibetans today suffer serious, ongoing human rights violations which affect their lives as individuals and threaten their distinct cultural, religious and national identity as a people. Among the most pressing problems are population transfer; religious intolerance; arbitrary arrest and detention; torture; summary execution; and restrictions on access to information.

A. Ongoing Violations of Tibetans' Human Rights

1. Population Transfer

3. There are reports of transfers of Chinese settlers into Tibetan territory, raising fears that Tibetans will soon be an insignificant minority in their own country. This population transfer threatens the survival of the Tibetans' national, cultural and religious identity, and so constitutes a grave violation of their right to self-determination.

4. Thousands of civilian Chinese have moved into Tibet with the active encouragement of the Government of China. In all major Tibetan cities - which are the economic, political, and cultural centres of the distinct Tibetan people - Chinese now appear to outnumber Tibetans. In some of the most fertile agricultural areas, particularly those of the eastern provinces of Kham and Amdo, Chinese settlers have established farms and pushed Tibetans into less fertile and less accessible areas. The arrival of large numbers of Chinese settlers and troops has led to the parallel existence of separate Chinese and Tibetan quarters in the principal cities, with the Tibetan quarters noticeably poorer in quality of housing and social services. The population transfer has led to unemployment for Tibetans, regardless of their level of skills and availability to join the work force. There is extensive evidence that this population transfer has led to a de facto system of discrimination in such societal goods as housing, education and health care.

5. The Chinese Government generally denies that it has a policy of population transfer. It has cited statistics to support the claim that few Chinese have moved to Tibet since 1950. These statistics, however, have in the past been misleading for two reasons. First, it must be remembered that by "Tibet" the Government of China means that area which it describes as the Tibet Autonomous Region (TAR), a geographical area encompassing less than one-half of what Tibetans view as their country; by far the largest concentration of Chinese settlers live in eastern and northern Tibet, outside the TAR. Second, official statistics are believed to omit a large number of Chinese settlers, who have not registered as residents of Tibet, in some cases out of fear of losing privileges in China.

2. Religious intolerance

6. Although article 36 of the Chinese Constitution guarantees freedom of religious belief, Tibetans are not free to practice and organize their own religion without Government interference. It is true that China liberalized

religious policies from 1980 to 1987, leading to a growth of Tibetan Buddhism after the widespread destruction of the Cultural Revolution. Today, many outward manifestations of religious belief (such as flying prayer flags, spinning prayer wheels, and circumambulating holy places) are allowed. None the less, as a matter of Marxist policy, the Communist Party remains opposed to Tibetan Buddhism, an antagonism which is reinforced in the case of Tibet by the key role Buddhism plays in the Tibetan nationalist and independence movements. The State today imposes a series of controls that threaten the survival of traditional Tibetan Buddhism.

7. The Chinese Government regulates Tibetan Buddhism through a complex administrative web involving both Communist Party and Government departments. At the top, the Party Central Committee and Politburo, along with the Government State Council, sets religious policy. Administration of religious policy in China and Tibet falls principally to the Nationalities and Religious Affairs Commission (also known as the Religious Affairs Bureau). In the Lhasa area and other major towns of the Tibet Autonomous Region, each major monastery now has a Democratic Management Committee, composed of Government-appointed monks, to implement religious and political policies and to assist the security police. This administrative web poses obstacles to the propagation and practice of Tibetan Buddhism in varying degrees, depending largely on geographical location of a particular monastery and the degree of political activity (or perceived threat of such activity) of the monastic community.

8. In Lhasa, the Chinese authorities have allowed only certain teachers to give public teachings within monasteries and nunneries, subject to the current political climate. The Chinese have sought to exercise control over the selection of reincarnate monks, including the reincarnation of the Panchen Lama, and to involve the Democratic Management Committees in the process of selecting abbots in the monasteries. While Tibetans are generally permitted to possess religious items, there have been attempts to prohibit dissemination of religious items from abroad, including photographs of the Dalai Lama.

9. Government interference in monastic affairs is most pronounced in the Lhasa area and in the larger towns of the TAR, while rural monasteries and nunneries far removed from towns and roads tend to receive far less attention from the State. Additionally, official policy toward monasteries in the Tibetan areas east of the TAR appears to have been far more relaxed, allowing relatively greater growth in monasteries, at least up to 1987. The State has taken over much of the administrative control of monasteries, including finances and education (schedule, curriculum, and discipline of monks and nuns). There is a shortage of students and of qualified teachers. In many monasteries, there is insufficient time to engage in religious study.

10. While virtually all of Tibet's religious infrastructure was destroyed between 1959 and 1976, rebuilding of religious sites requires approval of the Nationalities and Religious Affairs Commission or other local official representative, and reconstruction appears to be tolerated rather than fostered; in the Lhasa area, since 1989, new construction is prohibited. The Chinese Government has established obstacles to admission into the clergy, at least in the larger, urban monasteries, where novices must be screened for

political background and must obtain permission from the State before officially joining a monastery. Larger monasteries are generally given quotas for novices, and since 1988, it appears that all monasteries and nunneries in the TAR have been barred from officially accepting any new monks or nuns. While traditionally monks and nuns could join monasteries at seven or eight years of age, Chinese law forbids induction of novices below the age of 18. The Government also places restrictions on pilgrimages.

11. There is today a shortage of qualified teachers to replace those who were killed, or fled into exile, or were forced to renounce their vows, in 1959 and subsequent years. There is some hostility against bringing Lamas from exile to teach in Tibetan monasteries; in some cases, teachers from other Tibetan areas occupied by China will be allowed to teach in a monastery only for short visits. Moreover, in at least some larger monasteries, the Democratic Management Committees require so much daily manual labour that little time remains for serious study of Buddhist philosophy. On the other hand, monastic communities that avoid all political dissent may be rewarded with greater freedom to pursue monastic studies. In particular, since October 1989, the Government has intensified interference with monasteries that have expressed opposition, even if only peacefully, to Chinese rule in Tibet. This has included surrounding three main monasteries in the Lhasa area with troops to confine monks to the premises and to restrict contact with outside activists.

3. Arbitrary arrest and detention, torture and summary execution

12. Tibetans are arbitrarily detained, tortured or otherwise ill-treated in custody, and even summarily executed for peaceful protest against the occupation of Tibet by China. Tibetans have nevertheless increased the number and frequency of protest marches, demonstrations and other political activities espousing Tibetan freedom and human rights; there have been more than 60 demonstrations throughout all of Tibet in the last four years.

13. There is credible evidence that Chinese security forces have used excessive force in dealing with demonstrations. On at least six days since 1987, security forces have fired directly into crowds, killing and wounding Tibetans. Eyewitnesses report that on 1 October 1987 armed police fired into a crown which had gathered in front of a police station in Lhasa, seeking the release of protestors who had been arrested for shouting independence slogans; at least seven Tibetans were killed. On 5 March 1988, it is reported, security forces fired into crowds of Tibetans in the course of a demonstration on the final day of the Great Prayer Festival in Lhasa. Additionally, security forces appear to have implemented a strategy of lethal response where demonstrations were expected on 10 December 1988 and 5 March 1989 in Lhasa. During the 1988 demonstration planned to mark International Human Rights Day and the fortieth anniversary of the adoption of the Universal Declaration of Human Rights, security forces opened fire without warning, killing two Tibetans and wounding several more. On 5 March 1989, police shot peaceful demonstrators; on several occasions in the ensuing violence which spanned three days, they fired automatic weapons indiscriminately into crowds. Several eyewitnesses reported seeing snipers during this time firing at Tibetans from positions on the roofs of police stations. It is estimated that 80-150 Tibetans died from wounds received during these three days. These

events indicate that security forces adopted a strategy of provoking demonstrators, allowing the protests to escalate, and then firing indiscriminately into the crowds of Tibetans.

14. Detainees have described torture by electric shocks administered to sensitive parts of the body such as mouths and sexual organs of men and women; sexual abuse of women, including nuns; hanging upside down or in the "airplane" position, suspended over burning chili peppers; hanging by the thumbs or other body parts; immersion naked in freezing water; and being set upon by prison dogs. Some detainees have been permanently maimed, and others have died, as a result of torture.

15. Of particular concern are reports that Tibetan children have been arrested and imprisoned or otherwise punished for pro-independence activities. For example, a 14-year-old boy named Lhakpa Tsering is reported to have been sentenced to two years' imprisonment for making pro-independence leaflets at his school. Additionally, Tibetan schoolboy Migmar is reported to have been arrested on 6 March 1989 for taking part in a demonstration. Upon his release exactly one year later, he was informed that pursuant to official order he would not be allowed to return to school to resume his studies.

4. Limits on Access to Information

16. Although the right to receive and impart information is enshrined in article 19 of the Universal Declaration of Human Rights, China places severe restrictions on access to information in Tibet. The Government of China regulates the flow of information in and out of Tibet by closely supervising and restricting contact with foreign tourists, journalists and human rights workers (and sometimes completely closing Tibet's border to such visitors); punishing Tibetans for speaking freely with foreigners about forbidden subjects such as Tibetan independence; treating certain information-gathering as "espionage"; criminalizing political dissent and the expression of independence sentiments; and suppressing peaceful demonstrations with excessive, sometimes lethal, force. These practices violate the Tibetans' right to receive and impart information, as well as other key rights and freedoms, including the freedoms of peaceful assembly and association, and the right to enter and leave one's own country. So, too, it prejudices the right of the Tibetan people to participate in the decision-making process concerning the development and use of Tibet's natural resources.

B. Self-determination for the Tibetan people

17. The United Nations has already recognized the right to self-determination of the Tibetan people in General Assembly resolution 1723 (XVI), reaffirmed in resolution 2079 (XX). In the case of Tibet, self-determination overrides other principles of international law, such as non-interference and protection of territorial integrity because, inter alia: (a) Tibet is an occupied State under principles of international law; (b) the Tibetan people are subjected to a form of colonial or alien domination; and (c) as discussed above, the Tibetan people are subjected to continuing gross human rights violations under China's rule.

1. The Tibetans are a distinct people

18. The right to self-determination pertains to groups described as "peoples". While there is not as yet a universally agreed definition of a "people", we believe that under international law a people is identifiable both by the subjective perception of peoplehood, and by shared, objectively verifiable common characteristics, which may include race or ethnicity, language, culture, tradition, customs, or unique history. The Tibetan people satisfy these criteria. First, the history of relations between Chinese and Tibetans both before and after the occupation of Tibet in 1949-50 demonstrates a subjective perception of Tibetan peoplehood or national identity not only by Tibetans, but also by the Chinese. Second, the Tibetan people has objective characteristics of peoplehood distinguishing it from the people of China. The Tibetans inhabit a geographically distinct territory, the Tibetan plateau; their unique culture has existed and developed for centuries, subject to only occasional outside influences; they constitute a distinct racial or ethnic group; their language, part of the distinct Tibeto-Burmese group, differs from that of China in both spoken and written form; their religion, a specialized development of Mahayana Buddhism, is distinct from that of China; and the Tibetans have a separate history.

2. Tibet is an occupied country

19. The right to self-determination indisputably belongs to countries that have been invaded and occupied by force. Despite China's claims in statements made to the United Nations, Tibet was an independent State in 1949, when the Chinese Communists sent a reported 80,000 troops to conquer Tibet, a peaceful country which maintained a standing army of approximately 8,000. Tibet at that time had long displayed the criteria of statehood, including its own head of State; flag; passports; army; systems of judiciary, post, and customs; taxation and monetary policy; its own effective government; and capacity to conduct its own international relations.

20. China's occupation of Tibet has long been a subject of international note and concern. In a recent document, the United States Congress concluded that "Tibet, including those areas incorporated into the Chinese provinces of Sichuan, Yunnan, Gansu and Qinghai, is an occupied country under the established principles of international law" (State Department Authorization Act, signed into law on 28 October 1991). In its resolution, the Congress found that Tibet "has maintained throughout its history a distinctive and sovereign national, cultural and religious identity separate from that of China", as borne out by historical evidence including Chinese archival documents and recognition of Tibet by various other States. It is also to be noted that in August 1987, in a study prepared for the West German Parliament, its Scientific Research Service for International Law concluded that Tibet was an independent State at the time of its forcible incorporation into the Chinese State, and that China had not effectively acquired territorial title because of the prohibition, under international law, against annexation by force.

C. Tibetans are a people under colonial or alien domination

21. China's occupation of Tibet, which began in 1949, reveals many of the characteristics of a colonial relationship. Among these are: occupation through force by an occupying people that is ethnically, linguistically or culturally distinct from the occupied people; administration of the occupied territory by the colonial power; systematic discrimination against the occupied people; economic exploitation of those occupied; use of excessive force to stifle dissent; and deprivation of fundamental human rights belonging to a majority of the occupied people.

22. China maintains its occupation of Tibet through a standing force reported to number up to 250,000 troops and paramilitary police. It is estimated that, since 1987, up to 4,000 Tibetans have been seized and interrogated; torture is routine, and there is credible evidence that many of those seized are tortured. Several Tibetans have reportedly been "disappeared" by the authorities. So-called "counter-revolutionaries" have been summarily executed publicly in the course of demonstrations and, in two cases since 1987, in prison. The Chinese employ a pervasive system of informers, creating an atmosphere of distrust in which Tibetan cannot trust Tibetan.

23. Chinese occupy most positions of real power in Tibet. The real power in Tibet appears to lie not with the Government but with the Communist Party and the People's Liberation Army. Although Tibetans hold posts at various levels of government, they do not hold significant positions of power in the Chinese Communist Party or the Army. The Chinese discriminate against Tibetans through an informal but de facto class system; since the Chinese occupied Tibet, the Tibetan people have been treated as second-class citizens in their own country. The Chinese attitude towards Tibetans betrays a sense of racial "superiority", as is evidenced by repeated references to the "backwardness" of Tibetans, even in official Chinese government publications. Chinese settlers, whose movement into Tibet has caused international concern, are accorded special treatment: they receive favours and perquisites in housing, employment, ration cards, medical treatment and education. This informal but pervasive system of discrimination based on race or national origin has been documented by groups such as Asia Watch, and was a subject of inquiry by the Committee on the Elimination of Racial Discrimination pursuant to its critical consideration of China's periodic report in August 1990.

24. The Government of China systematically exploits Tibet's natural resources for its own benefit, without regard for ecological consequences, and without popular participation in governmental decision-making. Tibet's natural environment is being steadily and irreparably destroyed by a short-sighted policy of reaping immediate economic benefit. Among the most detrimental practices are massive deforestation, mining of uranium and other minerals, and nuclear weapons development; significantly, these resources are exported to China or otherwise exploited for the benefit of Chinese rather than Tibetans. Similarly, the benefits of subsidized development projects in Tibet - power stations and electricity, roads and airports, small-scale industry, and tourism - inure primarily to the benefit of the Chinese Government and Chinese settlers in Tibet.

Conclusion

25. Despite the Government of China's attempts to restrict the flow of information into and out of Tibet, there has emerged an alarming picture of human rights violations in that country. Under China's rule there has appeared a pattern of systematic abridgement of fundamental rights and freedoms, which today threatens the cultural, religious and national identity of the Tibetan people.

26. Improving respect for human rights in Tibet will not fundamentally alter the situation unless it is accompanied by self-determination for the Tibetan people, for the human rights problems are inextricably linked to the Tibetans' resistance to foreign rule and China's attempts to repress that resistance. Therefore, efforts to persuade China to ameliorate the human rights situation in Tibet must incorporate pressure to address the root problem. China must be persuaded to seek a comprehensive solution to the question of Tibet by peaceful means, through negotiations with the legitimate representatives of the Tibetan people, chosen by the Tibetans themselves.

27. To further the process of promoting a non-violent solution to the Tibetan question in the interest of international peace and security, and in the interest of the restoration of basic human rights freedoms of the Tibetan people, we suggest that the Human Rights Commission appoint a Special Rapporteur on the Situation in Tibet. Because China has in large measure restricted human rights monitors' access to Tibet and because it is difficult to obtain accurate information from the current debate, it would be particularly useful to have a Special Rapporteur study the situation in Tibet and report his findings to the United Natioons.

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3. Habitat International Coalition: Analysis of the situation regarding the right to adequate housing in Tibet

1. Habitat International Coalition wishes to submit the following information concerning the housing rights of Tibetans in Tibet. Sources of this information include in-depth legal research; interviews with recent refugees from Tibet carried out in Dharamsala, India; discussions with other Tibetans in exile; coverage of these issues by various United Nations human rights bodies and various independent fact-finding reports concerning Tibet.

2. The ratification of the International Convention on the Elimination of All Forms of Racial Discrimination by China has, under the terms of article 5 (e) (iii), created legal obligations on behalf of the Chinese State not to discriminate with regard to the right to housing. During China's most recent appearance before the Committee on the Elimination of Racial Discrimination in August 1990, Committee members repeatedly referred to the acute discrimination prevailing in the field of housing in Tibet and the fact

that Chinese in Tibet had access to modern, better-equipped housing than the Tibetans, who were relegated to the poorer areas with inadequate sanitation and drinking water supplies.

3. China's ratification of the Convention on the Elimination of All Forms of Discrimination against Women, similarly obliges the Chinese Government to ensure the right to housing for rural women (article 14 (2)). Moreover, the placement of the right to adequate housing within instruments such as the Universal Declaration on Human Rights, the United Nations Vancouver Declaration on Human Settlements, the Declaration on Social Progress and Development and elsewhere reveal the universal character of this human right, and thus its relevance for the Government of China.

Housing rights in Tibet since 1960

4. Since the Chinese illegal invasion and subsequent colonization of Tibet in 1949-1950, the occupying authorities have promoted housing policies with the dual purpose of socially controlling the Tibetans, while simultaneously substantiating their own domination of the previously independent nation of Tibet. During the early years of the occupation, every house in Lhasa owned or occupied by opponents to the Chinese takeover was systematically searched by members of the People's Liberation Army (PLA). The families of opponents were either evicted or forced to live with livestock in the ground floor stables, with all possessions of any value requisitioned without warning or compensation. The unlawful expropriation of Tibetan homes was also commonplace. The Chinese often moved into the stolen homes of Tibetans, and began strengthening their control over the territory they had recently occupied.

5. In 1960, the International Commission of Jurists, in its report entitled Tibet and the Chinese People's Republic, examined, inter alia, the housing rights situation in Tibet. The following quote summarizes the situation in 1960 and responds to frequently heard claims that China is "developing" Tibet and therefore has provided positive changes in Tibetan society:

> "The tremendous housing construction in Lhasa is of some considerable significance. Many Tibetans had been transferred from Lhasa and Chinese were living in the Potala and the Norbulingka. This in itself indicates a sizeable influx of Chinese, since these were mainly functionaries, and the doubling of Lhasa's housing at a time when Tibetans were being sent or taken away is a clear indication that the housing needs were created by a growing Chinese population in Lhasa. The feverish building reported can, therefore, scarcely be regarded as an advance in the social conditions of the Tibetan people."

In the more than three decades which have passed since that statement, the social conditions of Tibetans, including their housing rights, have declined yet further.

Contemporary housing rights issues in Tibet

6. Habitat International Coalition is of the opinion that the housing rights of Tibetans living in Tibet are systematically infringed by the Chinese

Government and its authorities. The violations of the housing rights are not isolated instances, but rather the result of policies and laws which comprehensively discriminate against the Tibetan people. The following evidence substantiates these claims.

7. Most urban areas in Tibet provide a stark contrast between new and relatively well-equipped quarters for Chinese immigrants and settlers and rundown, traditional housing within the segregated Tibetan sector. Whereas the provision of toilets, running water and electricity to Chinese households is routine, the vast majority of Tibetan homes within urban areas do not have toilets or running water. Some Tibetans have electricity, but this is often subject to selective rationing - almost invariably affecting the Tibetan quarters of towns.

8. In rural areas, Tibetan homes and villages are systematically circumvented in the provision of water and electricity, with these services made accessible only to Chinese government offices, settlements and military installations. A recent report (1991) states that clinics, schools, electricity and other social services are all available in Chinese population centres but are often far enough away from Tibetan towns to make them marginally relevant to the lives of most Tibetans. Tibetans who happen to live near Chinese settlements are casual beneficiaries of government programmes which would not exist in their present state but for the Chinese population.

9. A 1991 Report by the Australian Human Rights Delegation commenting on the living conditions in Tibetan villages remarked that the poor appearance of Tibetan villages and settlements, such as Taktse Dzong on the way to Ganden [monastery] and around Gonhker Dzong near the airport, naturally raised questions of community health and hygiene.

10. Although housing space within Lhasa has increased dramatically since the Chinese takeover of Tibet, Tibetans continue to face systematic discrimination regarding the allocation, habitability and cultural adequacy of public housing units. Chinese settlers are guaranteed a housing unit upon arrival in Lhasa. Similar rights are not available in practice for Tibetans.

11. Both the right to freedom of movement and the right to freely choose one's residence (inherent elements of housing rights) are frequently denied to Tibetans. Whereas major efforts have been made by public authorities to accommodate Chinese settlers in urban centres such as Lhasa, Chamdo and Shigatse, Tibetans wishing to move to these towns, often in search of employment, are prevented from doing so. In general terms, it is extremely difficult for Tibetans to obtain permission to change their place of residence within Tibet, and thus to partake in the economic changes that are occurring in Tibet.

12. Lhasa residents must carry identification papers at all times. Several reports have noted that this measure applies in practice only to Tibetans. Numerous forced expulsions have been carried out against Tibetans. For instance, on 21 March 1989, all Tibetans without residence permits were forcibly removed from Lhasa. There have been no reports of such evictions affecting Chinese settlers without residence permits.

13. Up to 10 per cent of the remaining traditional Tibetan two-storey stone housing, much of which is over 200 years old, was demolished by the Chinese authorities during the first part of 1990 as part of a plan to lay out new streets in the Old City. Five large blocks of land to the north and east of the sacred Jokhang Temple were bulldozed in an effort to replace the traditional housing and streets of the Tibetan part of town, with wide, straight and easily accessible roads for use by the Chinese and their military forces. These particular demolitions led to over 1,300 Tibetan families being forcibly rehoused into housing units wholly distinct from and incompatible with the cultural significance of traditional Tibetan housing. The Chinese authorities justified the evictions by claiming the old houses were "unsafe and unhygienic". The reasons why Tibetan homes have fallen into decay, and the absence of public support for maintenance, restoration or renovation of these dwellings, have not been addressed. The housing rights of Tibetans, including the right not to be arbitrarily or forcibly evicted from one's home against their will, have clearly been infringed with this and other demolition programmes. Consultations with those evicted, adequate warning periods, the payment of adequate compensation, negotiations about rehousing options and other components of housing rights have been ignored by the public authorities.

14. In mid-1990, at least 1,500 Tibetans from the Barkor area were living in temporary accommodation outside the town awaiting relocation in Chinese built dwellings. Efforts to rebuild the Barkor area of Lhasa, following the widespread and severe demolitions of Tibetan dwellings has increased suspicions that crowd-control now dominates the Chinese approach to town planning and housing policy in Tibet.

15. The Tibetan part of Lhasa now constitutes only 2 per cent of the total area of the town, which currently consists mainly of modern Chinese commercial buildings and dormitory blocks. Although only 40 per cent of Lhasa's population is officially admitted to be Chinese, the shrinking size of the Tibetan quarter lends graphic support to Tibetan claims that Chinese settlers are now a majority in the city. In Master Plans of Lhasa in the year 2000, the Tibetan quarter is totally absent, thus generating additional fears that the Chinese authorities intend to fully convert the Tibetan capital into a Chinese city.

16. In another area of infringement of housing rights, Tibetans have been subject to excessive fines for having unauthorized persons residing in their homes. Fines have also been levied against Tibetans for building unauthorized rooms, even though these additions have often not been intended for human habitation. Reports assert that some families have been fined up to 600 yuan on these grounds - the equivalent of one year's rent or eight months' salary for an unskilled labourer. Homes of Tibetans have been subjected to random and sometimes daily searches by Chinese authorities; harassment of occupants by the police have been reported on a wide basis. Such realities must be examined in light of the right to privacy and respect for the home.

17. New Chinese housing projects have clearly been designed with social control as a priority objective. Traditional Tibetan housing, consisting of a walled courtyard surrounded by two-storey residences, has been replaced with poorly-built, bastardized versions of traditional housing, complete with Tibetan facades, but cheap and culturally inappropriate; because of

low-quality building methods, the construction of housing without the traditional thick walls has proven unsuitable to the cold climate of Tibet. The winding maze of small streets which characterized Lhasa prior to the Chinese invasion is disappearing. The courtyards are now only accessible through guarded gates, which are locked in the evening.

18. Based upon the information available, Habitat International Coalition concludes that the right to adequate housing, widely recognized under international human rights law and contained in treaties ratified by the Chinese Government, is subject to widespread and systematic violation by China in the occupied territory of Tibet. The prevalence of the following Chinese actions and policies against the Tibetan people in terms of housing rights substantiate this allegation:

(a) Racial discrimination in the housing sphere;
(b) The intentional denial of essential services;
(c) Selective housing investment which disproportionately benefits Chinese settlers;
(d) The unlawful expropriation of homes and property without compensation;
(e) Demolitions of housing;
(f) Forced evictions from dwellings;
(g) The imposition of unfair and excessive fines for groundless reasons;
(h) Illegal searches of homes;
(i) The general absence of dweller control of housing; and
(j) The overall decline in Tibetans' housing and living conditions.

Habitat International Coalition strongly encourages the Government of China to fully respect the housing rights of the Tibetan people.

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4. International Fellowship of Reconciliation: Violations of human rights in Tibet: a social and cultural perspective

1. The aim of this note is not to catalogue the on-going repression which is evident from reading the yearly reports of the Special Rapporteurs. Rather we wish to put these repressions and violations of human rights into a wider socio-political perspective and to highlight the danger to the very identity of the Tibetans as a people and as a distinct culture.

2. Although we will stress the current situation, it is useful to have a few reference points on the evolution of the historical situation in Tibet:

(a) 1950-1959: A period from the entry of Chinese troops into Tibet to the exile in India of the Dalai Lama and some 100,000 Tibetans including many of the most advanced monks and teachers.

(b) 1959-1965: In 1959, the Dalai Lama, conscious that he was no longer able to protect the people through his presence, fled to India. There followed a period of "Democratic Reforms" during which there was widespread destruction of monasteries; monks and nuns were forced to return to civil status. Economic and social policies were imposed from the central Chinese authority with no consideration for local conditions. Ecologically unsound policies were imposed, leading to widespread famine. In 1965, the Tibetan Autonomous Region is created. The TAR is the area that is historically central Tibet. Other Tibetan-majority areas are attached to the contiguous Chinese provinces.

(c) 1965-1976: The "Cultural Revolution" takes place in China and Tibet.

(d) 1980-1986: Dawn of a period of economic and social liberalization with emphasis on economic develompment. Chinese from other areas come (or are sent) to Tibet looking for economic opportunities. This period creates problems of economic domination of Tibetans by non-Tibetans, but politically there are some improvements.

(e) 1987-1991: There is a "Conservative" backlash with a crackdown on religion in Tibet. There is an increase in indeological propaganda attacking "bourgeois liberalization" in Tibet. In March 1989, martial law was imposed from Beijing. Although the martial law was lifted in May 1990, the military has attempted to consolidate its politics in the field of culture, religion, education, security and policing despite its inability to improve the economic and social conditions of the Tibetan people.

3. The implementation of repressive policies concerning religion varies in degree depending largely upon geographic factors. In remote rural areas there is less social and political control than in Lhasa and other centres. We can divide the analysis of repressive policies on religion into two: those concerning monasteries, monks and nuns and those concerning lay people.

4. Historically the monasteries of Tibet have been the centre of political, cultural and religious values. The monasteries encompassed the teaching of literature, art, drama and music. They were the nation's schools - a system of primary to higher education with an emphasis on philosophy, metaphysics, logic but also medicine and astrology. Monks were looked upon as guides for spiritual development and human happiness. Historically certain monasteries, especially those around Lhasa had political influence and large land holdings. Thus the monastic system was considered by the Chinese as a principal support of "the old system" and was largely dismantled during the "democratic reform" period 1959-1965 and during the most violent phase of the "cultural revolution" 1965-1973.

5. In 1980, Hu Yaobang, then General Secretary of the Communist Party, visited Tibet and publically recognized part of the devastation the Chinese policies had wrought on the area. There followed in 1982 the writing of a new Constitution of China which protects "legitimate religious activities" and prohibits the State from "forcing anyone to believe or not believe in religion". During the period of 1980 to 1987 there was a slow but carefully watched revival of the monastic system. Lay people and monks worked together to rebuild destroyed monasteries and temples. Some religious art was

returned; some religious texts were published. The revival was under the close control of the Religious Affairs Bureau, which is the principal government organ for administering religious policy in China and Tibet. The monasteries themselves are under the control of Chinese-created "Democratic Management Committees" - replacing the historic monastic hierarchy under an abbot.

6. This revival of religious activity still fell far short of internationally recognized standards. Thus in 1985 International Fellowship of Reconciliation began to raise the shortcomings in the Commission on Human Rights but called for the Commission to request the Advisory Services of the United Nations Centre for Human Rights to help the Chinese Government to define policies and practices in Tibet which would have led to meeting the international standards. Unfortunately, no action was taken by the Commission in this period which, we see with hindsight, was a period with a relatively liberal policy when such advisory services might have been accepted.

7. With the conservative-military backlash, the policy on religion has hardened. Monks and nuns have been expelled from their monasteries or have been arrested and kept in prison without trial. The monasteries, through a lack of qualified teachers (many were killed or fled to India), are not in a position to play the cultural and moral role which they did in the past. What makes the situation particularly tragic is that there has been no secular replacement of the monastic educational system. The current secular educational system primarily serves Chinese living in Tibet, and Tibetan culture is treated as folklore without value in a modern society. No alternative secular or acceptable civic values are taught. Thus there is a real danger of a moral breakdown, especially among the young.

8. Monks and nuns have played a leading role in the defense of human rights in Tibet. They have initiated almost every nonviolent demonstration in Lhasa since September 1987, and their woodblock printing presses have produced some of the most important independence literature. Thousands of lay Tibetans have joined them in the major demonstrations reflecting the fact that the movement for human rights is jointly led by the monastic and lay communities. The more persistent the movement for human rights has become since autumn 1987, the more intense has been the government resolve to eradicate all signs of Tibetan nationalist sympathy.

9. It is often said that freedom of religion in Tibet consists of the freedom of lay people to perform a variety of ritualistic observances and that the restrictions are aimed at the monks and nuns. However the restrictions on lay people - the great majority of Tibetans - strikes at the heart of Tibetan culture. The Tibetan religion is characterized by a vast array of rituals which are utilized in many ways, on many levels, and for a wide variety of practices. To enliven and empower these rituals, deep wisdom and expert guidance are essential. Otherwise, the rituals and practices can collapse into superstition. The wisdom and guidance are personified in the advanced lamas. By obstructing genuine transmission of knowledge, the Chinese are severing the root of the Tibetans' spiritual wisdom and energy without which the infrastructure will become withered and impotent.

10. Currently, teaching i.e. the analysis of religious texts, is prohibited outside of religious sites. Yet traditionally, Tibetans would receive teachings in their homes or in public places other than monasteries. Without the thorough and careful instruction available from skilled teachers in the more profound aspects of a ritual, ordinary practices of religion such as the recitation of mantras (sacred words or sounds), circumambulation of religious monuments, prostration, and the turning of prayer wheels can degenerate into repetitive but meaningless actions. Birth, marriage and death in Tibetan society were traditionally marked by elaborate rites for which monks were employed. Such rites were considered important to the future state of the persons involved. There is a real danger that for lay people the ritual and symbols of religion survive, but the substance is gone. The effect is to make Tibetans look like a backward, superstitious people, bowing down in inherited faith to images which have lost their meaning.

11. For a living religious tradition to evolve, to meet the needs of a fast-changing world, there must be freedom, freedom to discuss, to question, to find new approaches to essential questions. Religious liberty can only go hand in hand with the freedom of expression, the freedom to publish, the freedom to meet and discuss a wide range of options for the future.

12. As a movement based on spiritual insights, the International Fellowship of Reconciliation is convinced of the need for liberty so that the most profound truths of religious traditions can come to the fore. We believe that such liberty will be of benefit to all. It is the duty of the Commission on Human Rights to help all States develop this world society of dialogue, of the investigation of ideas, of understanding and cooperation.

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5. International League for Human Rights: Human Rights violations in Tibet

Introduction

1. In this submission, the International League for Human Rights summarizes several of its concerns relating to the human rights situation in Tibet, focusing in particular on recent patterns of arbitrary arrest and detention, the use of violence against peaceful demonstrators, torture and other ill-treatment of detainees and coerced sterilizations and abortions.

Background

2. Following a seven-year period of liberalization beginning in 1980, human rights conditions in Tibet deteriorated markedly as Chinese authorities moved to crush a resurgence of nationalist demonstrations beginning in September 1987. Government officials have responded to this renewed pro-independence activity with what one Chinese official is said to have described as a policy of "merciless repression".

3. Dozens of demonstrators in Lhasa, the capital of the Tibet Autonomous Region (TAR), were killed by security forces during several pro-independence demonstrations in 1987, 1988 and 1989. In a number of cases, these killings were carried out against entirely peaceful demonstrators without warning and without provocation. In March 1989, troops of the People's Armed Police reportedly fired without warning at unarmed demonstrators and, during subsequent periods of violent unrest, at bystanders and local residents. Between 70 to 150 Tibetans were killed in these incidents, according to private estimates. No independent judicial inquiry has been conducted into these killings, and the findings of any official inquiry that may have been undertaken have not been published.

4. On 8 March 1989, following three days of demonstrations protesting Chinese rule of Tibet, martial law was imposed in Lhasa and surrounding areas. The official justifications for imposing martial law were "to safeguard the unity of the motherland, ensure the safety of citizens and personal property and protect public property from violation." In the period immediately following the imposition of martial law, more than 1,000 people are believed to have been detained in Lhasa.

5. Although martial law was lifted at midnight on 30 April 1990, Chinese authorities have continued to use harsh measures to suppress dissident activities in Tibet, including:

(a) The arbitrary arrest and detention of an estimated 100-200 Tibetans, including children, Buddhist monks, nuns and lay people;

(b) Torture and other harsh treatment of Tibetans detained on political grounds;

(c) The trial and sentencing of some individuals under procedures that fall short of international standards of due process, and the assignment of larger numbers of individuals to detention for lengthy periods without charge or trial because of their advocacy of Tibetan independence; and

(d) Censorship of the news media; restrictions on Tibetans' speech, including with foreigners; and the denial of access to information from independent sources.

Arbitrary arrest and detention

A. Arrest and detention on the basis of non-violent activities

6. Between three to four thousand Tibetan nationalists are believed to have been detained since September 1987. Most Tibetan political prisoners are imprisoned because of their advocacy of Tibetan independence from China or for proclaiming allegiance to the Dalai Lama. The majority of those arrested whose charges have been published by the Chinese Government have been detained for non-violent activity in support of Tibetan independence, such as "splittist" activities, "disseminating counter-revolutionary propaganda," or participating in "underground reactionary organizations." The longest prison sentences imposed for purely political offences - ranging up to 19 years - have been rendered against persons accused of these offences.

Demonstrators

7. Many others have been detained because of their participation in pro-independence demonstrations. On 17 April 1991, the official New China News Agency (Xinhua) reported that 1,025 individuals in Tibet had been arrested during pro-independence demonstrations since 1987. Of this group, 807 were released "within legal detention time," according to the agency, while 218 were either sentenced by courts or "sent to receive re-education through labour," an administrative sanction (see paras. 24 and 25). Unofficial reports put the number of detentions at least twice as high as the official figures.

8. Although some of those arrested have been charged with committing violent acts against security forces or government property, many have been detained solely on the basis of peaceful participation in demonstrations. Further, a number of allegations about the use of firearms by Tibetan protestors appear to have been unfounded. For example, allegations by the Chinese Government accusing Tibetans of using guns during demonstrations on 5 and 6 March 1989 have been contradicted by independent reports. In January 1988, the Chinese Government told the United Nations Special Rapporteur on Summary and Arbitrary Executions that, during a demonstration on 1 October 1987, "some rioters had snatched guns from public security officers and fired into the crowd .... Six people had been killed as a result .... The public security officers ... neither fired nor counter-attacked." But according to eyewitnesses, only the police had guns, and they killed demonstrators. The Government of China's initial allegations were implicitly withdrawn in March 1988. In a statement before the Commission on Human Rights, a Chinese representative said that, "at about 11 o'clock policemen were forced to ... fire into the air ... Three people died of bullet wounds."

Recent detentions

9. Detention of Tibetans because of their peaceful participation in demonstrations and other non-violent political activities continues. At least ten protest incidents were reported to have taken place in August-September 1991, and at least 28 individuals reportedly have been arrested as a result of their non-violent participation in these protest activities. For example, on 4 August 1991, Kelsang Phuntsog, a monk from Sera, was arrested when he began to hand out leaflets in the alleyway that encircles the main temple in Lhasa; the leaflets called for Tibetan independence and for human rights for Tibetans. On 18 August 1991, five nuns from Chubsang Nunnery who participated in a demonstration near the temple were arrested. The nuns - Tsultrim Sangmo, age 22 from Meldro Gyama; Ngawang Youdron, age 23 from Toelung; Ngawang Tseten from Nyethang; Gyaltsen Ngodrup, age 24 from Lhasa Phunkhang; and Gyalsen Damchoe, age 22 from Penpo Lhundrup or Phenpo Phomdo - reportedly remained detained in Gutsa prison as of October 1991. On 4 September 1991, two monks and four nuns staged a demonstration near the temple; the monks, leading the demonstration, carried a Tibetan national flag. Although the nuns escaped arrest, the monks (Phuntsok Tsering, 22 years old, and Phuntsok Samten, 23 or 24 years old) were arrested by Public Security Bureau officers. On 10 September 1991, six monks from Drepung monastery, ranging in age from 16 to 19 years old, staged a demonstration in Lhasa, carrying a Tibetan flag. Public Security officers

arrested two of the demonstrators on the spot, and reportedly apprehended four more later that night. Six monks from the Drepung monastery were detained as a result of their participation in a demonstration in Lhasa on 14 September 1991, and five monks were arrested because of their participation in a demonstration in Barkor Square on 27 September 1991. As elaborated below (see paras. 28-32), public security forces have used extreme violence in effecting some of these arrests.

B. Legal framework for arbitrary arrest and detention

10. There had been no official announcement of formal charges against most of the Tibetans arrested during demonstrations and for other political activities, and numerous persons are detained without recourse to formal criminal procedures (see paras. 24 and 25). Many of the individuals detained appear, however, to have been arrested pursuant to provisions of the 1980 Chinese Criminal Code - which apply in the TAR, as throughout China - that provide a legal basis for imprisoning individuals for the exercise of internationally-protected rights to freedom of expression and association, such as the provisions establishing crimes of "counter-revolution." These individuals appear to have been accused of one or more of the following illegal acts, according to reports from former prisoners of questions asked by interrogators: (a) "printing leaflets"; (b) "forming counter-revolutionary organizations"; (c) spying/passing information to the enemy"; (d) "criticizing the Party while speaking to foreigners"; (e) "encouraging reactionary singing"; (f) "hoisting Tibetan flag/demonstrating"; (g) "damaging property during a demonstration". While many of these charges have been brought against participants in demonstrations, some have been brought on the basis of private forms of expression, such as conversation or private correspondence, about political issues or about the detention of others. Such forms of expression may be punishable under provisions of the Criminal Code on "counter-revolutionary propaganda and agitation".

11. The Government of China's rules of criminal procedure contain numerous provisions that violate international standards of fair judicial process. Further, procedural protections afforded by law have frequently been disregarded in practice. In Tibet, these abrogations of domestic legal guarantees have occurred by three principal means: (a) abuse of the protections existing in the formal criminal process; (b) suspension of some of those protections during the period of martial law; and (c) circumvention of procedural protections by use of administrative, "non-criminal" sanctions.

Arrest and preventive detention

12. Under the 1979 Arrest and Detention Law and the 1980 Code of Criminal Procedure, public security authorities may hold someone suspected of a criminal offence in preventive detention for up to ten days. When detaining someone in this manner, the public security officials must produce a warrant and notify the family or work unit of the detained individual within 24 hours of the reasons for detention and the place of custody. But the law allows the authorities, at their discretion, to dispense with such notice when "notification would hinder the investigation or there is no way to notify."

By law, a detainee must be released after 10 years unless the public security authority has received a formal arrest authorization from the procuracy, in which case it may formally arrest the suspect under production of the arrest warrant.

13. The overwhelming majority of Tibetans detained on political grounds since 1987 have been held for anywhere between several weeks and nine months, and have then been released without charge. In most cases in Tibet, families are not notified until many months after a relative's arrest, and often receive no notice.

Pre-trial investigatory detention

14. By law, a suspect should be held for a maximum of approximately six months between the time of formal arrest and the opening of a public trial. But Chinese law allows a variety of extensions to this period, some of which are indefinite and can be authorized at the sole discretion of the investigating authorities (when, for example, cases are particularly "complex" or distances involved in investigating cases are especially large).

Unfair trials

15. Although many Tibetans detained on political grounds are not formally charged or tried for criminal offences, Chinese authorities have brought a number of Tibetan political prisoners to trial since August 1989. These individuals have been denied internationally recognized rights to fair process. There is no known case of a Tibetan accused of political offences being acquitted.

A. Right to counsel

16. Under Chinese law, the right to be represented by a lawyer or other responsible person attaches only at the eleventh hour - one week or, in some cases, even less before the opening of the public trial. By this time, the prosecution has had a long period in which to build its case against the suspect; typically the verdict has essentially been decided; and the role of the defendant's representative is generally limited to arguing mitigating circumstances that might reduce the defendant's sentence.

17. Tibetans are not, in any event, entitled to be represented by independent counsel. Virtually all criminal defence lawyers in Tibet, as throughout China, are employed by State legal advisory offices, and can exercise little independence of state policy in political cases.

B. Due process during trials

18. Chinese law does not establish a presumption of innocence. This principle, which is enshrined in the Universal Declaration of Human Rights (Art. 11 (1)) and other human rights instruments, is not recorded in the 1982 Chinese Constitution or in criminal legislation, though it is not necessarily rejected by Chinese jurists and legal officials. Police, the procuracy and the courts in Tibet apparently share a widespread belief that a person would not have been detained if he/she were innocent.

The "public" trial

19. Criminal suspects are entitled under the Chinese Constitution and the Code of Criminal Procedure to a "public trial". But in law and practice, the legal assurance of a public trial falls short of the standard required by international law. The Code sets forth several exceptions to the general assurance of a public trial, which can be readily used to keep politically sensitive cases out of the purview of public scrutiny. In practice, many trials are closed to the public. Further, when trials are not held in camera, attendance typically is limited to a specially selected audience; no foreign observers are permitted to attend.

Martial law procedures

20. During martial law in Tibet, Chinese authorities abridged normal judicial procedures. The second Martial Law Decree issued in March 1989 instructed judicial organs to "make investigations of the crimes as soon as possible ... and give [cases] h avy punishment". They were to "handle cases without delay," in accordance with a 1983 Chinese law allowing for summary trial proceedings of those who "gravely endanger public security." This law shortens various times for the delivery of indictments, subpoenas and notifications, with the result that the already short seven-day advance notice to defence counsel before the start of a trial may be reduced to as little as one day. It also reduces the time limit for appeals against the death sentence from ten to three days.

Sentencing practices

21. There have been a number of unofficial reports of prisoners' sentences being increased while they are in custody. By law, sentences for prisoners may normally be increased only if new offences are committed or discovered during the prison term, and then only upon formal prosecution and trial in accordance with the Code of Criminal Procedure. No information is available as to what procedure has actually been used in the reported cases. These include the cases of six prisoners involved in a political protest in Sangyip prison on 20 May 1991. The sentences of five of these prisoners (Wangdu, Lhakpa, Phurbu, Sonam Dorje, and Phurbu Tsering) are reported to have been increased from two or three to seven years each. The sentence of a sixth prisoner, Tendar Phuntsog, who is said to have presented a petition during the protest, reportedly was increased from three to nine years. In 1989 and 1990, the sentences of two prisoners in Drapchi prison, Tanak Jigme Zangpo and Lhundrup Kelden, reportedly were increased from 12 to 19 years and from three to nine years, respectively, because of "slogan shouting" in prison.

22. In several cases, defendants' pro-independence activities may have been a factor in their receiving sentences of execution. Two Tibetans were executed shortly after a mass sentencing rally on 24 September 1987. Although the government described the two as common murderers, many Tibetans believed that they were political activists executed in response to the Dalai Lama's unveiling of the "Five Point Peace Plan" in Washington, D.C. three days earlier. Two other prisoners, Migmar Tashi and Dawa, were executed on 17 May 1990 for organizing a prison escape and because they "resisted reform," according to official published accounts. But the procuratorate's indictment,

which was not published, emphasized the political activity of the defendents, and said that they had carried out pro-independence activities within the prison. No actual escape or attempted escape took place, and the executions therefore appear to have been carried out for political offences. Another alleged co-conspirator, Dhundup Tsering, was sentenced to death with a two-year reprieve.

Independence of Courts

23. Severe sentences for crimes based upon non-violent political activity, such as crimes of "counter-revolution", are one manifestation of a problem that pervades the administration of justice in China, and whose impact is particularly noticeable in political cases - the judiciary's lack of independence from the dictates of the Chinese Communist Party. Although the Chinese Constitution states that courts shall be free from interference by "administrative organs, public organizations and individuals", none of these categories is interpreted to include the Communist Party. Many members of the judiciary are members of the Party and are therefore subject to party disciplinary control over their actions. Reports suggest that Party politico-legal committees, generally consisting of the senior judge of the local people's court, a representative from the public security and the procuracy together with the local Party secretary, determine in advance the outcome of trials in cases of political interest. Despite some progress in the past decade in disassociating the Party from routine court decisions in ordinary criminal cases, in cases of "counter-revolution" and other political offences, cases are routinely, decided in camera by Party committees before the trial even begins.

Administrative sanctioning

24. In addition to the formal process of arrest, investigation and trial under the Criminal Code and the Code of Criminal Procedure Chinese authorities have at their disposal a complex parallel system of administrative detention, investigation and sanctioning. A major component of this system is "rehabilitation" or "re-education" through labour (laodong jiaoyang). This sanction should be distinguished from "reform through labour," which is used against persons sentenced under the formal criminal process. The rules governing "rehabilitation through labour" permit the sentencing of an individual to up to three years in a labour camp (extendable by one year) in a purely administrative proceeding dominated by the public security authorities, with no public hearing, no right to counsel, and no limits on the period of investigation. Applicable legislation permits this sanction to be employed against "those counter-revolutionaries and anti-socialist reactionaries who, because their crimes are minor, are not pursued for criminal responsibility ...."

25. According to official Chinese sources, between September 1987 and 1991, 97 Tibetans, including many young nuns, were assigned without trial to "re-education through labour". Some detainees have been assigned to administrative detention for up to three years without charge or trial for peacefully advocating Tibetan independence.

Violations of physical integrity

A. Violence during arrest

26. Although there have been few reports of use of gunfire to suppress demonstrations since martial law was imposed, in recent months security forces in Lhasa reportedly have, on several occasions, used knives to stab peaceful protestors while effecting arrest. Reported examples include the stabbing of Kunkhyab, also known as Lobsang Topchu, on 26 May 1991 during a demonstration in Lhasa, and the killing of Pasang Tsering on 6 July 1991 during an unofficial celebration of the Dalai Lama's birthday.

27. Violence reportedly has been used against many of the participants in the pro-independence demonstrations staged during August and September 1991 (see paras. 6-11,). An eyewitness to a demonstration in Lhasa on 14 August (see para. 9) provided the following account: "The hands of [a monk and nun who were arrested] were folded all the way up their backs to the [fullest] extent, [with their] heads touching their knees. They were taken to the People's Armed Police station near the Panchen Lama shop end [of the Barkor Square]. As they got there each one was attacked by seven People's Armed Police officers. The nun suffered worst and was beaten until she was [in an] unconscious state. The People's Armed Police, who were all Chinese, kicked them, used martial arts, and stamped their feet on them. The monk was in a bad state, but was a bit better than the nun." The monk was from Sera monastery and the nun, Phuntsog Tseyang, was from the Michungri Convent, according to Tibetan exile sources. Although similar methods were used to restrain demonstrators during riots in 1988, this is the first account of their use in a public place and during a peaceful incident.

28. During a demonstration by six monks in Lhasa on 10 September 1991 (see para. 9), one monk who was arrested on the spot reportedly suffered minor knife-wounds on his face while being arrested, and another reportedly was stabbed in the back. Tibetan eyewitnesses said that public security officers "tried to stab the monks with their knives".

29. Six monks from Drepung Monastery who demonstrated for Tibetan independence in Lhasa on 14 September 1991 reportedly were severely beaten, punched and kicked while being arrested by officers of the Public Security Bureau. By some accounts, the monks were also stabbed. According to one report from Lhasa, "Two of [the monks] were severely wounded all over their bodies and over their faces". According to another account, "One monk had a big cut on his face and blood was coming from it". One week after the arrest of these six monks, unofficial sources reported that one of them had died of head injuries on 17 September while detained in Gutsa prison.

30. On 27 September 1991, dozens of Public Security officials reportedly appeared to arrest five monks demonstrating in the Barkor Square. According to one report, the monks "were kicked, punched and dragged before being loaded into a delivery van".

B. Torture and other mistreatment of detainees

31. Torture is prohibited by law in China, which is also a party to the Convention Against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment. Nevertheless, there have been numerous reports of torture and other forms of ill-treatment of Tibetans detained on political grounds. Torture and other types of mistreatment appear to be particularly common when such individuals are detained for several weeks or months without trial, and in the period prior to the laying of formal charges against prisoners who are prosecuted. In both instances, violence is used as an integral part of the interrogation process.

32. Tibetans have also reportedly been tortured or subjected to other forms of physical abuse because of their non-violent conduct in prison, such as reciting mantras and protesting treatment of other prisoners. For example, two political prisoners at Drapchi Prison, Lobsang Tenzin and Tenpa Wangdrak, reportedly were severely beaten and placed in solitary confinement because on 31 March 1991 they handed a delegation of United States diplomats, led by Ambassador James Lilley, a petition setting forth allegations of human rights violations in Tibet. Prisoners who protested the treatment of these two prisoners reportedly were severly beaten by security forces on 20 April 1991. A subsequent protest by political prisoners in Drapchi reportedly led to the severe beating of several of them on 27 April 1991, and to the solitary confinement of 16 prisoners, including those who had been beaten. One of these prisoners, Lobsang Tsondrue, a Tibetan monk who is over 70 years old, reportedly was beaten unconscious by security staff because of his involvement in the 27 April protest, and was also placed "in total isolation."

33. Frequently reported forms of torture and other mistreatment include severe beatings and application of electric shocks. Other reported forms of torture or mistreatment include hanging prisoners by their wrists, ankles or thumbs for periods of hours or even days; applying lighted cigarettes to prisoners; making prisoners stand for hours; and setting trained guard dogs to attack prisoners. There have also been several reports of involuntary extraction of blood from prisoners in Lhasa in November or December 1990; this practice reportedly has produced long-term illness. In February 1991, several individuals reportedly were still suffering from chronic shaking and required long-term hospitalization after their release from prison, apparently as a result of the involuntary extraction of blood.

Coerced abortions and sterilizations

34. While enforcement of national birth control policies varies widely within Tibet, restrictions on the number of children women are permitted to bear reportedly have been imposed with increasing frequency throughout Tibet, particularly in Lhasa and in Eastern areas of Tibet outside the TAR, since 1987. Information obtained by reliable sources indicates that coercive measures, including economic sanctions, have been used to compel women in Tibet to undergo abortions and sterilizations. The Chinese Government has denied that coercion is used to implement birth control policies, and until 1990 insisted that no birth control policies were imposed by the Central Government in Tibet or other nationality areas.

A. Background

35. In Tibet, as throughout China, birth control policy and the extent to which it is enforced vary significantly among rural and urban populations, and with the degree of autonomy held by local officials. Until mid-1990, the majority of nomads and farmers in the TAR did not face restrictions on the number of children they were permitted. In the urban areas of Tibet, where there are larger numbers of Chinese immigrants, there appears to be stricter enforcement of restrictions on the number of children that Tibetan women are allowed to bear. Sources indicate that the majority of Tibetan women in most urban areas have been permitted to have three children, while Tibetan cadres have generally been limited to two children. Chinese women in urban areas in Tibet reportedly are permitted to have only one child.

36. Despite these variations, the "one family, one child" policy promoted throughout China has also been promoted in Tibet by work units and birth control offices connected with the neighbourhood committees, and publicized through radio campaigns and posters. In May 1990, Chinese authorities announced that the national birth control and family planning policies would be implemented throughout the TAR. It is unclear, however, whether or to what extent this plan has been implemented.

B. Coerced sterilization

37. Sterilization is reportedly used as a principal means of implementing birth control policy for Tibetan women. While some women may have undergone sterilization procedures voluntarily, recently obtained testimony of female Tibetan exiles suggests that doctors in Chinese hospitals at times sterilize women who have come to give birth or to undergo abortions without informing them of the nature of the procedure. These indications are reinforced by testimony of several doctors in Chinese hospitals in Tibet. In recent interviews, these doctors indicated that it is common practice for them to provide intra-uterine devices as a birth control method to Chinese women, while Tibetan women who practice birth control generally are sterilized, through tubal ligation.

38. Some Tibetan exiles allege that from 1987 to 1989, Tibetan women in several villages in Amdo were compelled by force to undergo sterilization or abortion by mobile birth control units. According to these sources, local police in some villages used physical force to bring recalcitrant women in for the procedure. This practice reportedly was used against Tibetan women who already had two children.

C. Coerced abortion

39. Tibetan women who become pregnant without permission face a range of sanctions designed to compel abortions. These penalties include fines that typically increase with each unauthorized birth, demotion or the loss of employment, and the loss of financial benefits. Tibetan cadres are reportedly fined significantly higher amounts than ordinary Tibetans; for example, in Rigong, cadres are reportedly fined nearly 2000 yuan for the first unauthorized child, while ordinary Tibetans are fined 200 yuan. In addition, the threat that penalties will be imposed against unauthorized children

themselves further constrain women to undergo abortions. Unauthorized children may face severe sanctions: they may be denied the residence cards necessary to gain access to schools, health care services and government employment, and the ration cards necessary to purchase food at subsidized prices.

40. For many Tibetan women, abortions violate deeply held religious convictions and are an affront to cultural values emphasizing the importance of childbearing. Many are nonetheless induced to undergo abortions by the threat of harsh sanctions and pressure from representatives of the work units and birth control offices which may rise to the level of harassment or coercion. The severity of the coercive measures reportedly adopted by Chinese authorities to implement national family planning policy prevent women from exercising free and informed consent to abortion procedures. These measures effectively deprive women of the right to decide freely the number of children that they will have and violate their right to privacy. A number of the abortions reportedly take place in the third trimestre, including terminations of pregnancies in the eighth and ninth months, indicating that the women undergoing these abortions did not do so voluntarily.

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6. Law Association for Asia and the Western Pacific (LAWASIA): Extrajudicial forms of political control in Tibet

Introduction

1. It is the publicly stated policy of the Government of China to eradicate all manifestations of the independence movement in Tibet. In the process, organs of the State, particularly the security forces and the judicial system, continue to violate international standards relating to arrest, detention, trial, treatment of detainees and the right to life. Their activities have been described in reports produced by other organizations.

2. This document focuses on other lesser known organs of the State which in Tibet operate a less visible system of political monitoring and control. The document describes a series of overlapping institutions which are integrated into every citizen's place of work, leisure and worship.

3. This system imposes a range of extrajudicial sanctions on people identified as nationalist sympathizers. It also operates as an intelligence network which identifies independence activitists or dissidents who may then be arrested and imprisoned. This network of control is extensive and is used both as an arm of the security forces and as an intimidatory device which is apparently intended to deter Tibetans from exercising many of their fundamental human rights.

Neighbourhood committees and work unit meetings

4. Tibetan, and some Chinese, residents throughout Tibet are registered either at a work unit or at a neighbourhood committee located in residential areas. Work units exist throughout China and are the basic units of economic organization and administration: a factory, a government department, a monastery, all constitute separate work units. Expulsion from one's work unit is a serious threat, since this would mean exclusion from access to certain educational, social and political institutions as well as to basic requirements such as rationed goods.

5. Since 1954, nearly 100,000 neighbourhood committees have been established in urban areas of China, each responsible for between 2,000 and 3,000 citizens, divided up into subcommittees of 300-400 people each. In Lhasa, however, neighbourhood committees are only found in the Tibetan areas of the city. Sources in Lhasa say that in 1988, soon after the current wave of unrest began, their number was doubled from 12 to 24. Each household is obliged to send one member to full meetings of the neighbourhood committee. Families who do not send one representative to the meetings can be fined 5-10 YRMB (the equivalent of about US$ 1-2, or one day's wage for manual labour) or may have their right to buy goods at subsidised prices suspended.

6. Since the current wave of independence demonstrations began in October 1987, neighbourhood committees and work units have increased the frequency of their meetings and have intensified their grass-roots security and surveillance functions. They now play a major role in the government strategy to suppress the Tibetan nationalist movement. In the area around the Jokhang temple, meetings were held on average once every two weeks from October 1987 until at least October 1990. Meetings are still as frequent around the time of sensitive anniversaries (March, July, September and December) when demonstrations are expected. After September 1989, study sessions at work units were conducted three times a week, sometimes lasting up to six hours per day.

7. It is in the neighbourhood committees and work units that government policies and restrictions, such as the Martial Law Decrees promulgated in March 1989, are often announced. Often these instructions carry legal force backed up by severe sanctions but are not published by the authorities in any other form. At a meeting of the Tromsekhang Neighbourhood Committee in Lhasa on 21 February 1990, residents were instructed that until further notice they were prohibited from throwing tsampa (roast barley flour) in the air and that incense burning could only be performed by individuals and families, and not organised groups. Violation of the new "regulations" was said to incur a three-year prison sentence and a number of people have been given prison sentences for throwing tsampa in the air.

8. When demonstrations are expected, the meetings have been used to issue warnings of legal sanctions. Residents and employees were informed in meetings in March 1990 that if they participated in a demonstration they would be expelled from their work units, imprisoned, or shot on sight, according to a number of eye-witness accounts. Residents of the Gyurme Neighbourhood Committee in Lhasa were told in March 1990 that they would be held responsible if any pro-independence posters appeared in their residential compounds.

Monitoring of opinion in meetings

9. An essential element of the neighbourhood committee is the education of citizens in the current party line. By demanding that participants voice their opinions, the work unit and neighbourhood committee meetings are able to assess Tibetans' political loyalties. Participants at these meetings are also asked to give positive affirmations of faith in the leading role of the Communist Party. Following detailed guidelines issued in January 1991 for a renewed campaign of propaganda work, Tibetans in towns and villages throughout Tibet were ordered to attend small group study sessions in the build-up to the 40th anniversary of the "Peaceful Liberation of Tibet". Tibetans who are reluctant to speak up or who are openly supportive of the independence movement are liable to be identified for further observation. Some may be referred to the police for possible arrest. Tibetans have also been encouraged to inform on possible independence sympathizers by speaking up during the meetings or, since September 1989, by anonymously placing the suspects' names in "denunciation boxes" located in workplaces and residential areas.

10. These and similar functions performed by neighbourhood committees and work units in Tibet are not evident to outside observers and foreign visitors. Nevertheless, these organizations play an increasingly important role in preventing the expression of political dissent and in denying Tibetans the right to exercise fundamental human rights.

Security functions of work units and neighbourhood committees and political surveillance in schools

11. Work units and neighbourhood committees also have direct responsibilities for security matters and for enforcing controls. Throughout Tibet, informal security units called "safety and security committees" operate in villages and within urban neighbourhood committees. Their duties illustrate the close relationship between the propaganda and policing functions of most extrajudicial institutions in Tibet. According to an article in Tibet Daily the 17 safety and security committees in Lhasa have held at least 492 meetings since October 1987, involving 92,459 people, in which citizens were told to avoid the "Seven Do Nots: don't watch, don't participate, don't support, don't spread rumours, don't believe in rumours, don't sympathise, don't cover up". These committees, however, also cooperate closely with the police, to whom they are directly responsible, by investigating possible independence activity, conducting night patrols and reporting to police on the activities of suspected political opponents. Their activities have been intensified since March 1991, according to official reports.

12. A sophisticated system of surveillance, including a network of ordinary Chinese and Tibetans who work as informers, has also been developed. Informers are recruited either by the lure of lucrative financial rewards, or because of threats that unless they cooperate they will themselves be imprisoned for political activity or their relatives will be harmed.

13. The same measure of control exists within schools. Reflecting the policy in neighbourhood committees and work units, students at some middle schools have been required to give written answers to questionnaires that ask for

opinions about the independence movement. On 3 January 1989, an official notice was circulated to all work units attended by the parents of children at the Lhasa No. 1 Middle School and to the parents themselves. It ordered cadres to monitor the political activity of pupils during the school holidays.

14. There have been reports of Tibetan children being expelled from school after taking part in independence activities. In one case, Migmar, a resident of the Nyak Khang area of Lhasa, was arrested on 6 March 1989 after taking part in independence demonstrations. After his release, on 6 March 1990, he was told by the school authorities that he could not return to the school, reportedly because of his nationalist activities.

"Work teams" - mobile political investigation teams

15. Acting independently of both the neighbourhood committees and work units, the Ledhon Rukhag known in English as "work teams" (and the related Ledhon Tsokchung or work team committees) consist of trusted government employees and Communist Party members considered to have persuasive characters and to be well versed in political doctrine. They are formed into ad hoc mobile teams that are sent to investigate suspected criminal incidents including political disturbances. Work teams review work unit and neighbourhood committee files on politically suspect Tibetans and collaborate with the police, procuracy and courts to decide whether an individual should be put under surveillance, detained or expelled from their workplace.

16. It appears that prior to 1989 work teams operated only in politically volatile towns such as Lhasa, Tsentang, Gyantse and Chamdo and rarely in more stable, remote rural regions. However, after the "screening and investigation" campaign (see below) was launched in October 1989, work teams spread out to most, if not all areas of Tibet, rural and urban.

Activities of work teams in monasteries

17. Work teams have been the key weapon in the extrajudicial attack on monasteries and nunneries that have expressed, even peacefully, any political opposition to Chinese rule in Tibet. In an internal TAR Communist Party circular issued in November 1990, Gyaltsen Norbu, the Chairman of the TAR, made it clear that direct security and political control in monasteries was to be strengthened further.

Screening and investigation by work teams and expulsions of monks and nuns

18. Ad hoc work teams have periodically lived in all politically suspect monasteries in the Lhasa region since early 1988. For example, between autumn 1987 and the end of 1990, work teams resided in Garu, one of the most militant nunneries in Tibet, for a total of 18 months. The teams are reported to have returned to Garu on 18 April 1991, when they announced a ban on admissions to the nunnery and other restrictions. Together with the democratic management committees ("chos don u yon lhan khang") the task of work teams is to identify monks and nuns suspected of repeated involvement in any type of nationalist activities or whose political loyalties are suspect.

19. Since the major independence demonstration in March 1988, monks and nuns have been required to attend regular meetings characterized by threats of violence. On 5 September 1988, after 45 members of a work team moved into Sera monastery, the monks were told, according to one monk who was present: "You must confess your participation in last year's demonstration. If you do not confess and if you do it again, we will kill you; we will execute you; we will put you in prison for life. The weight of the law will come down on you."

20. Some of the monks and nuns identified by the work teams as recalcitrants repeatedly involved in nationalist activity have been imprisoned. Others, including many who have merely refused to repudiate Tibetan independence, have been summarily expelled from their monasteries and sent into a form of internal exile. This process is entirely outside the judicial system and involves decisions taken by political functionaries from which there is no appeal. As part of a major crackdown, more than 200 monks and nuns were expelled between December 1989 and April 1990, including 37 from Drepung, 80 from Chupsang Nunnery and 27 from Shungseb Nunnery.

21. The nuns from Garu and Chupsang nunneries, for example, were told that after their expulsions they were:

(a) Prohibited from wearing monastic robes or keeping their heads shaved;

(b) Prohibited from rejoining their former nunneries or any other nunnery;

(c) Permitted to worship in their local village monastery, but only if they returned to their family home in the evenings;

(d) Prohibited from performing religious rituals in other people's homes, though it appears they were allowed to privately perform rituals in their own homes;

(e) Prohibited from leaving their villages without permission from the local government representative, and this travel permit would only be granted for a maximum of 15 days;

(f) Required to work as farmers and do no other type of work.

First hand accounts of the expulsion of monks from Drepung, Ganden and other monasteries in the area around Lhasa detail similar restrictions on the freedom of religion and movement.

22. Local police and civil officials are given a copy of the "charge sheet" and instructed to keep the expelled monks and nuns under surveillance. Parents of the expelled monks and nuns are also made to sign a pledge that they will be held responsible if their son or daughter engages in further independence activity.

"Screening and investigation" Campaign

23. In October 1989, the regional government launched a campaign throughout Tibet to conduct "screening and investigation" of all Tibetans suspected of political dissent, including Party members. A new department called the "Office for stabilizing the situation" was set up to train 1,000 investigators and to supervise the operation, which was carried out through the work units, the neighbourhood committees and work teams. One circular issued by this Office indicated that guilt could be inferred from attitude alone. It stated that anyone found refusing to follow neighbourhood committee directives "or bearing resentment against screening and investigation work either in words or action" must be immediately reported to higher level departments or the "Office for stabilizing the situation".

24. The "screening and investigation" was part of a campaign to purge supporters of the pro-democracy movement in China. In Tibet, however, the campaign has focused on employees and Party cadres with pro-independence sympathies. Migmar Tenzin, a 25-year old Tibetan who worked as an electronic technician for the TAR Government, was dismissed from his job on 6 April 1991, reportedly because his mother, 44-year old Ngawang Youdon, was serving a 6-year sentence in Drapchi Prison for independence activities. On 8 October 1991, an article in Tibet Daily, an official publication, indicated that a renewed campaign of screening was in process amongst party members and cadres suspected of dissident and pro-independence views.

Conclusion

25. The institutions described in this document - work units, neighbourhood committees, work teams, schools and safety and security committees - attempt to instil in citizens a commitment to obey Government and Communist Party policies. These organizations thus appear to play an instructive role but, backed up by judicial and extrajudicial sanctions, in fact operate as agencies of the State which are designed to deter, monitor and punish opponents of the Government and the Communist Party. In Tibet, these institutions are an integral part of the strategy to suppress even peaceful expressions of political dissent. The activities of these institutions directly and indirectly violate the Tibetans' basic rights, including their rights to freedom of expression, assembly, demonstration, religion and right to receive and impart information.

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7. Minority Rights Group: The exercise of economic, social and cultural rights in China: a Tibetan perspective

[The economic and statistical data quoted in this submission is taken from the work of Wang Xiaoqiang and Bai Nanfeng, Wang Danu, Tseten Wangchuk, A. Tom Grunfeld, Guan Puran, Li Zhuqing and the Tibetan volume of "Chinese Population 1988".]

1. In this presentation, the Minority Rights Group would like to examine the situation in Tibet primarily from the perspective of economic, social and

cultural rights. The widely-reported violations of civil and political rights in Tibet are only the more visible facet of a pattern of extensive violations that pervades the fabric of daily life for even the most compliant and privileged Tibetans. The natural economic, social and politico-cultural development of Tibet has been impaired by the structural distortion effected by the undesired imposition of alien patterns over the past three or four decades. A people and a society that were economically self-sufficient, with their own sophisticated culture and authentic traditions, have been rendered almost entirely dependent on decisions taken several thousand miles away by an alien people, with traditions, values, goals and aspirations at variance with their own, and they are under pressure to accept and conform to these alien patterns in order to survive.

2. "The system of cadres, committees, production-units, etc., still exercises control over many aspects of life for ordinary Tibetans. It is important to remember that it is not a system of their own design, but something which has been imposed on them from outside. Tibet is very much an 'administered' society, disproportionately burdened with governmental and military activity, rather than a self-sufficient and productive society (as the Chinese themselves admit)."

3. Leaving aside the unresolved question of Tibet's former status in international law, Tibetans in the Tibet Autonomous Region (TAR) do not enjoy even the slight measure of autonomy set out in Chinese legislation. By definition, autonomous areas in China are supposed to enjoy the following rights: central government decrees and regulations can be adapted to local conditions; the autonomous areas may use their own languages, train native officials, have the final say in economic affairs, have their own financial administration, draft their own educational policies, control the local Public Security Bureau and Armed Police and control the floating population (transients and migrants).

4. The administration of the Tibet Autonomous Region has been imported wholesale from China. Although the size of the entire industrial and agricultural output of the TAR can be compared to that of a single large township in China, it is administered by an array of committees, departments, bureaux and offices, 62 in all, worthy of a Chinese province. In the time it has taken for the TAR's output to quadruple, administrative costs have gone up 10 times. The work of the administration is conducted essentially in Chinese, in violation of articles 2 and 21 of the Universal Declaration of Human Rights, as this denies access to over 90 per cent of the Tibetan population that doesn't know Chinese. (This and subsequent observations may apply equally to areas outside the TAR, but the lack of precise data for those areas will limit this presentation to the TAR, or about half the Tibetan area.)

5. While it is true that the administration is increasingly staffed by Tibetans, this is a very recent phenomenon. In 1980, when Hu Yaobang visited Tibet, he noted that: "Forced collectivization had left the local economy in ruins, the Tibetan people totally demoralized and a pitifully inadequate infrastructure in the hands of Han Chinese administrators totally dependent on support from China." By 1991, cadres in TAR are said to be 66 per cent Tibetan, but this does not guarantee genuine devolution of power (art. 21). "The autonomy of the autonomous districts of China is only the rhetoric of the

Communist Party. None of the autonomous districts in China has any real autonomy. An ordinary special economic zone such as Xiamen actually has more autonomy than Tibet, not to mention important special economic zones such as Shenzeng and Shekou." This candid assessment is Jigme Ngapo's, a Tibetan anthropologist educated in China, son of a Vice-Chairman of the Chinese National People's Congress. He further specifies that "as for the veto of the Tibetan local government to policies of the Central Government...no one in the local government would ever dare to exercise that power." As the Panchen Lama, the other high-ranking Tibetan in the Government, put it to an official meeting of the Chinese People's Congress: "It is not that we are not able to exercise power, but that we have not been given any power."

6. The imposition of an alien system has been accompanied by an influx of people who are part of that system, and who enjoy priority access to housing, employment, education, health and other social services in violation of articles 22, 23, 25 and 26. "[A] completely Chinese society has been transplanted into the region. This remains effectively separate from Tibetan society. ... This Chinese society is serviced by the Chinese themselves. For these people, the Tibetans as such do not exist." For people who do not exist, it is difficult to get a job. The new inhabitants of Lhasa regulate the influx of native Tibetans very strictly, in violation of article 13, while adopting a lenient attitude towards Chinese immigrants and transients, who are seen as bringing progress.

7. If we examine whether the imported economic, social and cultural patterns have indeed produced prosperity or not, it is illustrative to note that in fact, the "income of Tibetan enterprises between 1951 and 1961 was consistently in the black...After 1961, however, enterprise income went into the red, with the deficit growing sharply at 12.77 per cent per annum with no recovery. The turning point that marked the plunge into deficit was precisely the year 1960, when Tibetan enterprises that had been primarily regulated by the market were reformed and fully integrated into the 'one big pot' system." This was the first year of complete Chinese control, when the Tibetan Government, after nine years of difficult coexistence, was forced into exile in March 1959.

8. Ever since, State investment has increased exponentially. From a level of 30 per cent of gross industrial and agricultural output in the fifties (when the Tibetan administration was still in place), government subsidies have risen to 98 per cent in the eighties, after decades of total Chinese control. "The per capita value of industrial and agricultural output in Tibet in 1983 was 364 yuan, while the per capita subsidies from Beijing in the same year amounted to 357 yuan or 98 per cent of the value generated locally." ... "the output figure is largely the result of government subsidies". A TAR official, quoted in China Daily of 27 August 1991, announces a 1 billion yuan programme to attain 70 per cent coverage of grain requirements. Tibet before 1950 was not only self-sufficient, it was known to have sizable grain reserves.

9. How are the subsidies being used? "The lion's share of the money provided by the central government has been used to pay for goods purchased from the rest of the country." The money sent to Tibet returns to China. The benefit to the Chinese economy is manifest; is there any comparable benefit to

Tibet's? Although agricultural output is said to have increased 89 per cent, with 40 per cent more land under cultivation, "it is probably safe to say that for the average Tibetan peasant living in a small village, the availability of food has increased only slightly since 1950". Since the occupation, it would seem that the new urban and old rural economies have become divorced from each other. Observers note that the two societies have little to say to each other, interaction is minimal and with few exceptions, limited to formal occasions.

10. "The crucial question about any development activity must be: how does it affect people's lives?" With the exception of the military, most Chinese officials, "experts and professionals", traders, shopowners, labourers and peddlars live in urban areas, while most Tibetans are farmers and nomads. The annual income of nearly 90 per cent of the Tibetan population, who live in rural areas, was only 367 yuan in 1987, while the average peasant income of China for the same year was 782 yuan. Fully 98 per cent of official Chinese immigrants in Tibet are said to work in State-owned enterprises, where the average wage, in 1985, was 2,143 yuan, 87 per cent higher than in China (1,442 yuan).

11. Nevertheless, State subsidies are earmarked for the urban residents. "The 15 per cent non-agricultural population accounted for 70 per cent of all commodity consumption. Moreover, the overwhelming majority of commodities marketed in the region are brought in from outside ... The deficit of the non-agricultural population has to be paid out of the State treasury ... in terms of this alone, 320 yuan was spent on every member of the non-agricultural population, which is 29 times the figure of 11 yuan per person (spent on) the rural population." Much of the money is unproductively spent on the bureaucracy mentioned above. "In Lhasa, the average office and auditorium space per bureaucrat is the highest in all of China."

12. In the towns, factories, utilities and offices are over-staffed. Deliberately, according to some sources, "in order to create a job market for the Chinese immigrants - so needed to dilute the Tibetan social structure and help maintain Chinese order"; necessarily, according to others, as "fully one-fourth of a work-unit in Tibet is on vacation in China at any given time". To give an example, a power plant in China with the same output as the Naching plant in Tibet would employ 40 people; Naching employs 300.

13. While some highly qualified Chinese have indeed been sent to Tibet and individual Chinese are known for their sincere altruism and dedication, this cannot be said for the majority of the immigrants. Commenting on this reality in 1987, the Panchen Lama stated that "The expense of keeping one Chinese in Tibet is equal to that of four in China. Why should Tibet spend its money to feed them? ... Tibet has suffered greatly because of the policy of sending a large number of useless people."

14. Decisions about the economy have been shaped not by Tibet's real needs or potential or Tibetans' expressed desires, but in keeping with the ideological priorities of the Chinese Communist Party. "In Lhasa and Chamdo, glass factories and chemical factories were built. Within a few years, 15 million yuan had been wasted." "The Xiangyang Colliery, built at a cost

of 4.78 million yuan, yielded no coal at all and the miners had to rely on cow dung for fuel" - 15 per cent of the small hydroelectric plants built in Tibet malfunction and 23 per cent have had to be scrapped. In the Shigatse area alone, 40 per cent are out of commission.

15. Some uneconomic industries are kept going apparently at great expense to the Chinese State. "The renowned Nyingchi Textile Mill ... makes 20 different products only seven of which make a profit ... If the unified purchase and marketing system for wool were to be abolished, and raw materials were bought at market prices, the mill would straightaway make a loss of close on 3 million yuan. If price controls on wood were removed and forestry was put onto the responsibility system, then this mill which burns 26 cubic metres of wood every day, this mill which has featured prominently in films and magazines presenting the new face of Tibet, would simply close down."

16. Another way subsidies are used is to bring down the price of rice and wheat, the staple food of the Chinese population. In the winter of 1985-1986, rice was bought from Chinese farmers in Sichuan at 0.90 yuan per kg and sold in TAR at 0.40 yuan per kg. Wheat was bought at 1.12 to 1.26 yuan per kg and sold at 0.44 to 0.48. Barley, the staple food of poor Tibetans, was ostensibly left to fend for itself, at 0.76 yuan per kg. In fact, there is another side to the picture, the quotas farmers must sell to the State. Barley is bought at 0.35 yuan per kg and sold to the Tibetan public at 0.80. Butter, the other Tibetan staple, is bought from the nomads at 1.60 to 2 yuan per kg when it sells for 16 yuan per kg on the market.

17. Medicinal plants and other valuable natural products must be sold to the Government at fixed prices, well below market value. Credible reports state that suppliers must fill individual quotas or incur a fine. Attempts to sell privately are branded "black marketing" and prosecuted. The same is said of timber left behind by logging teams that raze entire slopes and load only the logs nearest the road. If a Tibetan is caught taking leftovers, it is "Stealing from the motherland."

18. Despite official claims that the TAR has been granted tax exemption since 1980, Tibetans pay stiff and often arbitrary taxes. One exiled Tibetan states: "Two offices issue business permits and officially, you pay 30 per cent of your declared profit on sales. In practice, they charge whatever they like." One man was compelled to give up his shop and leave Tibet when his tax base of 50 yuan was suddenly and arbitrarily declared to be 500 yuan, then 1,500, 3,000 and finally 7,000 yuan. The nomads and farmers must sell a certain percentage - up to half - of their produce to the State at artificially low prices.

19. Nomads also suffer from a lack of popular participation. Despite the "excruciating changes" undergone since 1959, they "flourish because they have no competitors". No one else can survive at that altitude on the high plateau. The Government does not trust their judgement, despite their long experience of sustainable management of the grasslands. "Despite the antiquity of the nomads' pastoral system, the Government believes that it leads to overgrazing and environmental degradation. It therefore has set limits on the number of animals per person in some areas, while forcing

periodic reductions in herd size in others", states anthropologist Melvyn Goldstein. He adds: "Our research supports the nomads' contention that the Government's order to reduce livestock in Phala was unwarranted. We found no evidence of overgrazing and pasture degradation. Preserving the unique environment of the Chang Tang (Tibetan Plateau) is not only a Chinese but also a world concern, and protection of the indigenous people who reside there is equally important. It would indeed be ironic if after surviving the destructive Cultural Revolution, these nomads' way of life was destroyed by modern notions of conservation and development that are based on faulty evidence and flawed assumptions."

20. Large-scale projects with serious ecological implications have been undertaken despite the clearly expressed public disapproval of ranking Tibetan officials. A project to drain Yamdrok Tso, known as the "Turquoise Lake", into the Tsangpo river was vetoed by the Panchen Lama, who declared on several occasions that draining the lake would cause unacceptable environmental damage to the surrounding nomadic pastureland, and that the lake had intrinsic value to Tibetans as a holy site. Construction was halted, but a recent article in a Beijing publication states that he "changed his mind", and indeed, work began immediately after his death in January 1989.

21. Cultural differences are seen in terms of the superiority of Chinese patterns and the inferiority - "backwardness" of anything Tibetan (art. 12). "Just recently [1987], a story ... was intentionally published ... to ridicule the Tibetans". When the highest Tibetan official in the Government of China objected to its use as a film-script, "There was no response. Instead, the film was awarded a first prize." Tibetans working in institutions to "preserve" folklore, must compose and disseminate politically correct new verses for old tunes. Much of Tibet's music and theatre has acquired a strong Chinese flabour (art. 27).

22. The standard of education available to Tibetans reflects the distorted social situation. Paradoxically, it is the Tibetans who wait for admission to the better schools until the children of the immigrants have been accommodated. Then there is the problem of language: they may attend a second-rate school that teaches some Tibetan, Chinese and no English or, if admission is secured, a Chinese-medium school where the level of instruction is much higher, but where only symbolic Tibetan, if any, will be taught. It will also mean competing with children whose mother tongue is Chinese. Some Tibetan parents initially struggled to place their children in the better schools, but when admission to University or institutions in China went to Chinese graduates and children of high Tibetan officials with lower averages than their children, many changed their mind. They are making the sacrifice of sending their children into exile, where over 2,000 are now studying in Tibetan-medium schools in India.

23. Imposing Chinese values and behaviour has been a harmful ineffectual exercise. Tibetans who refuse to adapt can choose whether to fight or flee. Peaceful protest (art. 19) has been met with brutal repression, in violation of articles 7 through 12. A comparable number of Tibetans have gone into exile to avoid the many restrictions on the study of Buddhist religion and philosophy (art. 18). Every month, many Tibetans attempt to cross the border

into Nepal. About 300 succeed. Those who are not so lucky are turned back before the border. The least fortunate, estimated at 40-50 each month, are caught by police in Nepal and sold to Chinese border guards, in violation of articles 13 and 14.

24. Generally speaking, China's efforts to change Tibet's society and people have not satisfied either party. Chinese see Tibetans as unappreciative and ungrateful, and as for the Tibetans, the 1991 Report of the Australian Government Human Rights Delegation stated that "Tibetans unconnected with the Government overwhelmingly opposed Chinese control of Tibet, sought independence and the return of the Dalai Lama, were unequivocal about the lack of religious freedom and civil and political rights and talked of a lack of justice, education, employment and freedom of expression, as well as restrictions on movement. They asserted that Tibetan culture and religion were gradually being submerged by the sheer weight of Chinese influences."
